

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP NO. 3638 of 1996(O&M)
Date of Decision: 22.04.2019**

Vijay Pal Singh & Ors.

... Petitioners

versus

State of Punjab & Ors.

... Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Shobhit Phutela, Advocate for
Mr. A.R. Takkar, Advocate
for the petitioners.

Mr. Abhaypal Singh Gill, AAG Punjab.

Mr. B.S. Patwalia, Advocate
for respondents No.3 to 6.

ARUN MONGA, J.

1. Petitioners No.1 to 3 herein joined the services of respondent Municipal Corporation, Jalandhar as Assistant Corporation Engineer w.e.f. 01.08.1985, 08.04.1983 and 26.02.1985 respectively. The prayer in the instant writ petition is for quashing the promotion orders dated 10.06.1994 and 23.11.1994 (Annexures P-4 & P-7 respectively) whereby private respondents No.3 to 6 were promoted as Corporation Engineers/Executive Engineers in the Municipal Corporation.

2. The petitioners have further contended that appointments/promotion to the post of Corporation Engineers/Executive Engineers has not been made by the official respondents in accordance with the applicable

rules, particularly, Rule 5(2)(ii) of Punjab Municipal Corporation Service (Recruitment and Conditions of Service) Rules, 1978. It is further contended by the petitioners that the impugned promotion of the private respondents is liable to be set aside and as a consequence the appointments to the post of Corporation Engineers/Executive Engineers are to be re-conducted by way of promotion strictly on the basis of seniority-cum-merit.

3. The petitioners also contended that after re-fixation of seniority, in the manner above, they be also considered for promotion to the higher post of Corporation Engineers/Executive Engineers along with other candidates.

4. Be that as it may, without going into the merits of the case, suffice at this stage to say that even if re-fixation of the seniority list is directed, the relief sought by the petitioners cannot be granted owing to their have superannuated during pendency of writ petition. Even otherwise, I have gone through the averments made by the private respondents in the written statement, particularly para Nos. 7, 8 to 10 thereof, I do not find any ground to interfere with the impugned order.

5. The writ petition is dismissed. However, no order as to costs.

(ARUN MONGA)
JUDGE

April 22, 2019
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| 1. Whether speaking/ reasoned: | Yes/ No |
| 2. Whether reportable: | Yes/ No |