

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

Date of decision: 28.05.2019

1). CWP-15208-2018 (O & M)

Pawan Kumar and ors. Petitioner(s)

V/s

State of Punjab and anr. ...Respondent(s)

2). CWP-15407-2018 (O & M)

Balbir Singh and ors. Petitioner(s)

V/s

State of Punjab and anr. ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. D.S. Patwalia, Sr. Advocate,
with Mr.A.S. Chadha, Advocate,
for the petitioners (in CWP-15208).

Mr. Arshdeep S. Kler, Advocate,
for the petitioners (in CWP-15407).

Ms. Ambika Bedi, AAG, Punjab.

Rajan Gupta, J. (Oral)

This order shall disposed of above-mentioned two writ petitions
as similar question of law and facts are involved.

Petitioners have impugned the show cause notice dated 28th
May, 2018, Annexure P-9 whereby they are sought to be reverted from the
post of Junior Engineer (Civil) to that of Surveyor/Draftsman/Mistri on the
ground that they do not have the requisite diploma in Civil Engineering as
required for promotion to the post of Junior Engineer (Civil).

During the course of hearing of the petitions, it was pointed out by Mr. Patwalia that in the judgment in a case titled as '*Orissa Lift Irrigation Corporation Limited versus Rabi Sankar Patro and others, 2018(2) SCC 298*, decided on 22nd January, 2018, it was clarified that diplomas, which are subject matter of instant petitions, were not under judicial scrutiny before the apex court. Proceedings were, thus, wrongly initiated by the Department

Learned State counsel on instructions from Ms. Madhvi Kataria, Special Secretary, PWD (B& R), who is present in court, submits that a clarification has been received from the Government of India and the State intends to reconsider the entire issue in light of the same.

Petitioners are satisfied with the statement made by learned State counsel. Under the circumstances, no further direction is necessary. Petitions are hereby disposed of.

May 28, 2019
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No