

CWP-23799-2016 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-23799-2016 (O&M)
Date of Decision: March 11, 2019

Dharam Pal

... Petitioner

vs.

State of Punjab & Ors

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. R.K.Arora, Advocate, for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

Mr. Harsh Aggarwal, Advocate, for respondent No.3.

ARUN MONGA, J

Learned counsel for the petitioner, at the very outset, points out that in an earlier petition bearing CWP-27256-2015 filed by him before this Court, the following order was passed:

“Keeping in view the limited prayer addressed at the time of arguments, facts and circumstances of the case but without expressing any opinion on the merits of the controversy, this writ petition is disposed of with a direction to the competent authority to expeditiously decide legal notice dated 30.09.2015 (Annexure P-9) submitted by the petitioner by passing a speaking order, preferably within a period of four months from receipt of certified copy of this order.”

2. Learned counsel for the petitioner further contends that pursuant to the above order, vide order dated 27.04.2016 (Annexure P/12), the case of the petitioner for promotion was considered and it has been thus observed as under:

“That in the tentative seniority list issued by the department for promotion of feeder cadre employees to the post of

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Junior Engineer (Mechanical), the name of Sh. Dharampal, Fitter, Municipal Corporation, Jalandhar is figured at Sr. No. 12.

That since the issue regarding validity of degrees/diploma in respect of higher qualifications from the deemed Universities, is pending before the Hon'ble Supreme Court, therefore the seniority list has not been finalized.”

3. Learned counsel for the petitioner further points out that the issue of validity of degrees/diploma has since been decided by the Hon'ble Supreme Court in case titled as **Orissa Lift Irrigation Corp. Ltd vs. Rabi Sankar Patro & Ors**, 2018 (1) SCC, 468 decided on 03.11.2017 and, therefore, the petitioner's case cannot be put kept on hold any further. He further submits that even otherwise, the petitioner is a diploma holder from a recognized University, duly recognized by State of Punjab, therefore, the petitioner's case is unnecessarily being put on hold as neither the outcome of judgment of Hon'ble Supreme Court was/is relevant for the purpose nor there is any other reason for not considering the case of the petitioner.

4. In view of the contention of learned counsel for the petitioner, as noted above and also keeping in view the reasons given in the speaking order dated 27.04.2016 (Annexure P/12), the present writ petition is disposed of with a direction to the respondents to decide the claim of the petitioner within a period of 02 months from the date of receipt of certified copy of this order.

5. Registry is directed to convey the order of this Court to the respondents.

March 11, 2019
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No