

Sr. No.222

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

CWP No.20787 of 2018 (O&M)

Date of Decision: 05.12.2019

Jasbir Singh @ Jasvir Singh and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. K.S.Dadwal, Advocate,
for the petitioners.

Ms. Monica Chhibber Sharma, Sr. DAG, Punjab.

ARUN MONGA, J.(ORAL)

1. Petitioners herein seek issuance of a writ in the nature of certiorari to quash orders dated 20.12.2016/22.12.2016 Annexure P-3) and order dated 07.03.2018 (Annexure P-8) passed by respondent No.2, whereby promotion to the post of Superintendent Grade-II has been deferred by keeping the posts vacant and on the other hand promoted the juniors.

2. Perusal of the impugned order dated 22.12.2016 (Annexure P-3) reveals that the primary ground for non-consideration of the petitioners for being promoted, despite vacancies being available is the pendency of litigation i.e. CWP Nos.24336 of 2015 and 24337 of 2015 instituted by the petitioners, wherein they have challenged issuance of show-cause-notices to them.

3. In the said writ petitions, operation of said show-cause-

notices has been stayed by this Court and the writ petitions are pending final adjudication.

4. Having heard the rival contentions of the learned counsel, I am of the opinion that it is likely that the competent authority passed the impugned order under a genuine belief that he may end up overreaching the proceedings before this Court pending pursuant to the writ petition, *ibid*. However, even if the case of the petitioners is treated at worst pedestal i.e. treating the writ petitions as dismissed, in view of the vacancies being available, they are entitled to be considered for promotion.

5. Accordingly, the present writ petition is disposed of with an observation that the competent authority is at liberty to consider the case of petitioners *de hors* the pendency of the above stated writ petitions.

6. It is made clear that in case any favourable order is passed, the same shall be subject to the final outcome of the pending writ petitions pending before this Court.

7. Disposed of in above terms.

05.12.2019

vandana

**(ARUN MONGA)
JUDGE****Whether speaking/reasoned
Whether Reportable****Yes/No
Yes/No**