

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

**CWP No.4117 of 2017 (O&M)**  
**DATE OF DECISION : 21<sup>st</sup> MAY, 2019**

**Sushil Kumar & others**

**.... Petitioners**

**Versus**

**The State of Punjab & another**

**.... Respondents**

**BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA**

\* \* \* \*

Present : Mr. Gurminder Singh, Senior Advocate with  
Mr. J. S. Gill, Advocate for the petitioners.

Mr. Nikhil Chopra, Additional Advocate General, Punjab.

\* \* \* \*

**RAJAN GUPTA, J. (Oral)**

Petitioners have invoked the writ jurisdiction of this court seeking a direction that they be promoted to the next higher post and a Departmental Promotion Committee meeting be held for this purpose. Admittedly, some of them have retired during the pendency of this petition. It has now been urged by Mr. Gurminder Singh that the requisite service required by Punjab Agricultural Service (Group-A) Rules, 2013, has to be counted after taking into consideration the current duty charge held by the employees in independent capacity. He relies upon the judgment of Division Bench of this court in the case of ***Chandigarh Administration Vs. Vipin Gupta and another, 2011(2) RSJ 641*** in support of his plea. According to him, rule intermediate is *pari meteria* to the rules in question.

At the outset, Mr. Chopra, submits that if and when there is a proposal to make promotions, decision shall be taken in line of

aforesaid submissions made before this court, including the Division Bench judgment in Vipin Gupta’s case (*supra*). As regards employees who have already superannuated, they shall not be entitled to any consideration as they would not have any right. In case the decision, adverse to the interest of the petitioners is taken by the concerned authority, same shall be communicated to the petitioners forthwith.

In view of above, no further direction is necessary. Petition is disposed of.

**21<sup>st</sup> MAY, 2019**  
*‘raj’*

**(RAJAN GUPTA)**  
**JUDGE**

|                                   |            |           |
|-----------------------------------|------------|-----------|
| <i>Whether speaking/reasoned:</i> | <i>Yes</i> | <i>No</i> |
| <i>Whether Reportable:</i>        | <i>Yes</i> | <i>No</i> |