

**RA-CW No. 75 of 2018 in
CWP No. 1384 of 2015**

MALWINDER SINGH AND ORS.

V/S

PUNJAB STATE AGRICULTURE MARKETING BOARD AND ORS

Present : Mr. Gagneshwar Walia, Advocate for the applicants/petitioners.
Mr. S. S. Rangi, Advocate for respondents No.1 & 2.

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Petitioners filed CWP No.1384 of 2015 for issuance of a writ in the nature of mandamus directing the respondents to fill up the post of Mandi Supervisor-cum-Fee Collector *w.e.f.* 01.02.2015 in Market Committee, Kapurthala from General category candidates on the principle of seniority-cum-merit. The further prayer was also made that during pendency of the writ petition, the respondents be restrained from promoting respondent No.3 against post of Mandi Supervisor as said candidate belongs to Scheduled Caste and he was not entitled for promotion on the basis of excess reservation. Said petition was dismissed as infructuous vide order dated 28.11.2017 on the basis of contention made by learned counsel for respondents No.1 & 2 that the petitioners have been promoted to the post of Mandi Supervisor and now nothing remains. Thereafter, the present application has been moved for review of order dated 28.11.2017 passed in the main petition on the ground that respondent No.3 Mahinder Dass was not entitled to promotion against reserve quota.

As per reply filed on behalf of the Market Committee, Kapurthala the stay granted by the Court was vacated on 23.11.2016 and thereafter, respondent No.3 was promoted as Mandi Supervisor vide resolution Nos.2 and 3 dated 30.12.2016. Respondent No.3 belongs to

Scheduled Caste and he was promoted as per roster point No.22 by the Committee. It is further mentioned in the reply that respondent No.3 was promoted as per reservation and roster point and he has not been shown as senior to petitioners No.3 and 4.

In case the applicants/petitioners are still aggrieved in any manner with regard to promotion or seniority, they are at liberty to avail the appropriate remedy, if permissible under law.

Disposed of.

16.05.2019
sunil yadav

**(DAYA CHAUDHARY)
JUDGE**