

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

**COCp No. 816 of 2017 (O&M)
Date of Decision: January 27, 2020**

Harbir Singh

.....PETITIONER

VERSUS

Manpreet Singh Chhatwal

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sunil Chadha, Sr. Advocate with
Mr. Himanshu Jain, Advocate
for the petitioner.

Ms. Reeta Kohli, Sr. Advocate with
Mr. Rahul K.Sharma, Advocate
for the respondent.

SURINDER GUPTA, J.(Oral)

Heard.

Vide order dated 28.08.2015 passed in CWP No.18054 of
2015, it was ordered as follows:

*It is not in dispute that neither the petitioner nor respondent
No. 4 are presently in the zone of consideration for
promotion to the posts of Chief Engineer. However, status
quo with regard to seniority be maintained, till the next date
of hearing only, at this stage.*

Before passing of this order, the State has passed the order
dated 26.06.2015 (Annexure P-6) and in pursuance of that order salary of
Sandeep Bahl, Senior Environmental Engineer, Punjab Pollution Control
Board, Zonal Office, Jalandhar was fixed.

Learned counsel for the petitioner submits that the petitioner has challenged the order of State Government dated 26.06.2015 and consequent order dated 17.08.2015 passed by the Punjab Pollution Control Board. The department initially tried to fix seniority of Sandeep Behal as senior to petitioner despite status quo order and later on fixed his salary over and above the salary of the petitioner.

Learned counsel for the respondent submits that the order dated 26.06.2015 was passed by the State prior to filing of the writ petition. Operation of that order was never stayed. The respondent has followed the order passed by the State by fixing salary, as such, there is no violation of the status quo order dated 28.08.2015.

A short question, which arises for consideration in this case is as to whether fixing of salary as per order dated 26.06.2015 amounts to non-compliance of the order dated 28.08.2015, whereby status quo with regard to seniority was ordered to be maintained.

Admittedly, status quo regarding seniority has been maintained till date. The operation of order dated 26.06.2015 was never stayed. This order was passed before filing of the writ petition and any order passed in compliance of this order to fix salary does not amount to violation of order dated 28.08.2015.

In view of the above, this petition has no merits.

Dismissed.

Rule discharged.

(SURINDER GUPTA)
JUDGE

January 27, 2020

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