

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

108

CM-11727-2020 in/and
CWP-11628-2018
Date of decision: 11.11.2020

Raj Kumar

.....Petitioner

versus

State of Punjab and another

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. R.K. Chopra, Senior Advocate with
Ms. Kusum Chopra, Advocate
for the petitioner.

Mr. Charanpreet Singh, Assistant AG, Punjab

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Raj Kumar, stated to be aged 56 years has filed the present petition in the year 2018 *inter alia* with the following prayer:-

“Petition under Articles 226 and 227 of the Constitution of India for the issuance of an appropriate writ, direction or order especially in the nature of mandamus directing the respondents to consider and promote the petitioner as Executive Engineer (Panchayati Raj) against the Roster Point No.40 reserved for the physically handicapped persons keeping in view the instructions issued by State Government from time to time and also in lieu of the Division Bench judgment rendered by this Hon'ble Court in Civil Writ Petition No.5809 of 2010 decided on 24.05.2020 (Annexure P-5), the respondents be further directed to send the name of the petitioner for promotion as Executive Engineer (Panchayati Raj) to the Departmental Promotion Committee, the meeting of which

is being convened shortly and by issuing a writ of prohibition the respondents be restrained from filling up the post of Executive Engineer (Panchayati Raj) falling at Roster Point No.40 from amongst the unreserved category and by passing an ad interim orders the respondents be restrained from filling up the post of Executive Engineer (Panchayati Raj) falling at Roster Point No.40 from amongst the unreserved candidates during the pendency of the writ petition.”

CM-11727-2020 has been filed by the petitioner *inter alia* with a prayer to issue interim directions to respondents No.1 & 2 to consider and promote the petitioner as Executive Engineer (Panchayati Raj) against the post reserved for Physically Handicapped persons.

Learned Senior counsel submits that after filing of the writ petition there are certain subsequent significant developments. Firstly he submits that the stand taken by the respondents in the reply, was to the effect that there are total 15 sanctioned posts of Executive Engineer and against 3% quota , one Shri Balbir Singh Dhillon has already been promoted and is working as Executive Engineer since 2015. By making reference to Annexure P-19, he submits that vide order dated 10.06.2020, the said person Shri Balbir Singh Dhillon is stated to have his date of retirement on 30.09.2020. He secondly submits that vide Government instructions dated 06.08.2019, the quota has been increased from 3 % to 4 %.

Notice of the application.

On asking of the Court, Mr. Charanpreet Singh, Assistant AG, Punjab, accepts notice on behalf of the respondent-State.

At this stage, learned Senior Counsel makes an oral request that the main case is although stated to be listed for 19.02.2021, but in case, a direction is issued to the respondents to consider the case of the petitioner in view of the

aforementioned significant developments, the present writ petition can even be disposed of today itself.

For the reasons aforementioned, oral request of counsel for the petitioner, is accepted. Date of hearing in the main case is preponed from 19.02.2021 to today itself i.e. 11.11.2020 and the main case is taken up on board.

In view of the above, main writ petition is disposed of with the following directions:-

- (i) Respondents are directed to consider the case of the petitioner in view of the above noted significant developments and pass order in accordance with law within a period of one month from today.”*
- (ii) It is also directed that in case the petitioner is found entitled for the benefits of promotion, he would also be considered and granted consequential benefits w.e.f. due dates, in accordance with law.*

Ordered accordingly.

(GIRISH AGNIHOTRI)
JUDGE

11.11.2020
anju rani

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