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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5343-1997 (O&M)

Date of Decision: 10.10.2023

MOHINDER SINGH AND OTHERS

.....Petitioners

V/s.

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA.

Present None for the petitioners.

Mr. D.K. Singal, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J (Oral)

1. Status report by way of affidavit dated 28.03.2019 has been filed by the Establishment Officer, Office of Director Public Instructions (SE), Punjab wherein it is stated that the judgment dated 17.09.1996, rendered in CWP No.16859 of 1994 titled as **Baldev Raj and Others** Vs. **State of Punjab and Others** by the Full Bench of this Court was challenged before the apex Court in SLP No.4176 of 1997 titled as **Saroj Rani and Another** Vs. **State of Punjab and Others** which was decided on 24.08.1999 by the apex Court with the following directions:-

"30. For the aforesaid reasons emerging from the facts and circumstances of this case we issue the following directions :-

(1) All vacancies on the post of Assistant/Senior Assistants prior to 21st January, 1991 are to be filled up by those who qualified by passing the examination and exemptees would have no claim on such vacancies.

(2) All vacancies after 21st January, 1991 shall be filled in the ratio of 70 per cent and 30 per cent between exemptees and qualifiers in the examination, respectively, for each year in question till all the existing qualifiers are absorbed.

(3) All promotions or reversions made have to be readjusted within the aforesaid frame work, irrespective of any interim orders then in force.

(4) Any incumbent who worked on the post of Assistant/Senior Assistant on account of promotion orders and in case they have to be reverted or have been reverted, any salary or consequential amount paid to such employees for working on the post of Assistant/Senior Assistant shall not be taken back from them. Similarly, if any employee gets promotion to the post of Assistant/Senior Assistant from an earlier date, he/she will not be entitled to any arrears of salary.

(5) State shall complete this exercise of promotion on the above said formula on or before the 31st December, 1999, till then the existing arrangement shall continue.

(6) So far two appellants in the appeal of Ravi Lamba, since they were promoted prior to 21st January 1991, for which there is no dispute and their reversion order being held illegal, they may be promoted forthwith and they may not be asked to wait for the final exercise of promotion in all other cases.”

2. It is stated that in terms of the aforesaid directions, compliance has been made by the respondent-Department vide order dated 15.09.1999 whereby the petitioners in the present case were also promoted to the post of Senior Assistant from the various dates as mentioned in the affidavit. Learned State counsel has, thus, submitted that this petition has become infructuous.

3. This Court, taking on record the said affidavit, finds that relief claimed by the petitioners in this Writ Petition stands redressed as decided by the apex Court in the case of **Saroj Rani and Another** Vs. **State of Punjab and Others** (*Supra*), as the promotion having been granted to the petitioners. No further orders are required to be passed.

4. The Writ Petition is **dismissed** as having been rendered infructuous.

5. All pending applications filed in this Writ Petition shall stand disposed of accordingly.

October 10, 2023

Ess Kay

**[SANJEEV PRAKASH SHARMA]
JUDGE**

Whether speaking / reasoned : *Yes/No.*

Whether Reportable : *Yes/No*