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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-8482-1996 (O&M)

Date of Decision: 13.09.2023

Manjit Singh Bakshi

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Karminster Singh, Advocate,
Mr. Prabhsher Singh Walia, Advocate, for the petitioner.

Mr. Paramjit Batta, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Both the respective parties are *ad idem* that the issue involved in the present petition stands finally adjudicated by this Court in **CWP-9586-1996** decided on 09.08.2023 in ***Harbax Singh vs. State of Punjab and another*** wherein this Court reached to the conclusion following an earlier view taken by the Division Bench in **LPA-1316-2009** in ***State of Punjab vs. Sukhdev Singh Randhawa*** wherein it was observed as under:

“1. In the present L.P.A., order impugned is dated 19.5.2009 passed by learned Single Judge in CWP No.8592 of 1996 quashing the order dated 26.4.1996 (Annexure P-8), whereby the order of promotion dated 14.6.1986 promoting the petitioner (herein respondent) as Assistant Public Relations Officer, was withdrawn.

2. The brief facts of the present case are that petitioner/respondent was promoted as Assistant Public Relations Officer in the Grade of Rs.620-1200 vide order dated 14.6.1986. Thereafter, petitioner/respondent was reverted vide order dated 15.6.1987. The petitioner/respondent challenged the order of reversion dated 15.6.1987 by filing a writ petition bearing CWP No.3727 of 1987. Meanwhile, the reversion order was withdrawn and CWP No.3727 of 1987 was disposed of vide order dated 11.1.1988 having recorded that reversion order has been withdrawn. Thereafter, the petitioner continued to work on the promotional post till 26.4.1996 when order impugned in the writ petition was passed.

3. We have heard learned Counsel for the appellants and perused the record.

4. Learned Counsel for the appellants argues that impugned order dated 26.4.1996 withdrawing the promotion order dated 14.6.1986 was passed, in view of the decision of the Civil Court dated 24.4.1990 and on the basis of the order passed by this Court in CWP No.490 of 1993.

5. In CWP No.490 of 1993 which was dismissed vide order dated 30.5.1995, writ petitioner was not a party nor his promotion order was under the challenge. However, petitioner was a party in Civil Suit filed by Giani Narinder Singh, as defendant No.6. Judgment/decreed dated 24.4.1990 passed by learned Civil Judge reads as under:-

“18. As a result of my findings on the above issues, I pass decree for declaration the plaintiff as of right should have been considered for promotion as Assistant Public Relations Officer in the scale of Rs.620-1200 with effect from 14.6.1986 when his juniors i.e. defendants No.3, 5 and 6 were promoted as Assistant Public Relations Officer vide impugned order dated 14.6.1986 copy of which is Ex.P-18 in favour of plaintiff and against all defendants with costs of the suit. D/sheet be made and file be consigned.”

6. From the perusal of the judgment/decreed dated 24.4.1990 (supra), we find no direction was issued by the Civil Court to cancel/revoke the promotion order of the petitioner. The only direction issued by the Civil Court is to consider the right of the plaintiff for promotion as Assistant Public Relations Officer in the grade of Rs.620-1200 w.e.f. 14.6.1986.

7. We are of the view that neither in CWP No.490 of 1993 nor in the Civil Suit, any direction was issued to cancel/revoke the promotion order of the petitioner. Hence, basis of the revocation order is neither justified nor legal. Learned Single Judge has rightly quashed the order canceling the

promotion. We find no illegality or error in the order passed by learned Single Judge.

8. For the reasons recorded above, the appeal being devoid of merit, must fail, and the same is dismissed with no order as to costs.”

- 2. In view of above, the Writ Petition stands ***allowed*** in the same terms as that directed by the Division Bench in the aforesaid LPA.
- 3. Pending application(s), if any, also stands disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

September 13, 2023
Mohit goyal

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| 1. Whether speaking/reasoned? | <i>Yes/No</i> |
| 2. Whether reportable? | <i>Yes/No</i> |