

116-A**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP-10110-2023 (O&M)
Date of Decision: 30.05.2023****Priya Jain****.. Petitioner****Vs.****The Bhakra Beas Management Board, Chandigarh and others****..Respondents****CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ****Present: Mr. G.S. Bal, Sr. Advocate with
Mr. Dilshad S. Gill, Advocate for the petitioner****Mr. R.K. Arora, Advocate and
Ms. Saguna Arora, Advocate
for respondent No.7.****Mr. Amar Vivek Aggawal, Advocate and
Mr. Pritish Goel, Advocate
for the respondent-BBMB.**

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Manoj Bajaj, J. (Oral)

Petitioner has filed this writ petition under Article 226 Constitution of India for issuance of a writ of Mandamus directing the respondents to prepare the seniority list for considering her promotion to the post of System Software Manager by placing her over and above respondent No.7 in the seniority list in conformity with Statutory Rules framed by BBMB pursuant to Class-I and Class-II Officers (Recruitment and Conditions of Service) Regulations, 2015 (Annexure P-4) by taking into consideration the representations dated 03.09.2021 (Annexure P-8), 27.05.2022 (Annexure P-9) and 05.05.2023 (Annexure P-12).

On 24.05.2023, the following order was passed by this Court:

“The petitioners are aggrieved against the action of the respondent-Board in proceeding to fill up the promotional post of EDP/System Analyst by way of direct recruitment without determining the seniority amongst Assistant Engineer/Computer System.

At this stage, learned counsel for respondent-Board prays for a short accommodation to file his response to the claim of the petitioner.

Adjourned to 30.05.2023.

Photocopy of this order be placed on the file of connected case.”

Today, short reply by way of affidavit of Sh. Satish Singla, Secretary, Bhakra Beas Management Board Headquarters, Sector-19, Madhya Marg, Chandigarh has been filed in the Court on behalf of respondent Nos.1 to 3, wherein it is stated that the competent authority shall afford time to the petitioner and other stakeholders to file a representation in respect of their grievance and the same shall be decided through a speaking order. The relevant para 2 reads as under:

“That however, to cut the long story short, the competent authority can afford time to both the Petitioner and the private Respondent no. 7 and any other stake holder if any, to file a representation in a fixed time frame with the competent authority. After the said representation is filed, the competent authority would afford an opportunity of hearing to the affected parties, and thereafter the competent authority would pass a reasoning and speaking orders as per law.”

Mr. Amar Vivek Aggarwal, learned counsel for respondent-BBMB states that the issue of seniority amongst the petitioner and other stake holders would be decided before making any promotion to the post of System Software Manager/System Analyst.

In view of the above undertaking, learned counsel for the petitioner states that for the time being, nothing survives for adjudication in this writ petition and prays that respondents be directed to take final decision qua seniority of the petitioner and others in a time bound manner.

Considering the above, the writ petition is disposed of with the direction to the respondents to decide the seniority dispute of the petitioner and others within a period of three months from today.

Since the main case has been decided, pending civil miscellaneous applications, if any, stand disposed of.

30.05.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No