

CWP No. 14683 of 2021 and
CWP No. 16909 of 2021

2023:PHHC:154940

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 266)

(1)

CWP No. 14683 of 2021
Date of Decision : 05.12.2023

Mohinder Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

(2)

CWP No. 16909 of 2021

Mohinder Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Lather, Advocate for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. By this common order, two writ petitions, the details of which have been given in the heading, are being decided as both these petitions involve the same question of law on similar facts.

2. In the present petitions, the promotion of the private respondents has been challenged on the ground that the petitioner was

senior to them and had a preferential right to claim the promotion, which benefit has not been extended to the petitioner.

3. Upon notice of motion, the respondents have filed the reply, wherein, the respondents submitted that the petitioner was facing departmental proceedings and the petitioner was given punishment vide order dated 25.09.2019 by which, two increments had been stopped without cumulative effect hence, the petitioner was not eligible for promotion to the post of Yard Master as petitioner was under the currency of punishment during the relevant time when the private respondents were promoted, hence the claim of the petitioner for further promotion can only be considered after the expiry of the punishment prospectively.

4. There is no replication filed.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. Once, the promotion of the private respondents was effected during the period of the punishment imposed vide order dated 25.09.2019 was in operation upon the petitioner, the petitioner could not have been promoted but after the expiry of the said punishment, as the stoppage of two increments without cumulative effect is a minor punishment, the respondents are under obligation to consider the claim of the petitioner for further promotion prospectively hence, any promotion, which is to be made henceforth, the petitioner's claim for promotion be considered in accordance with law.

7. The petitions are disposed of in above terms.

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8. A photocopy of this order be placed on the file of connected case.

December 05th, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No