

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

2023:PHHC:150113
CWP-8893-2010 (O&M)
Date of Decision: 24.11.2023

Dharam Paul Mangla and others

...Petitioners

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Abhishek Joon, Advocate for the petitioners.

Mr. Paramjit Batta, Addl. AG, Punjab.

Mr. Gurnoor Singh Sethi, Advocate for
Ms. Jyotnoor Kaur Sethi, Advocate for respondent No.3.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioners by way of this writ petition had prayed to direct the respondents to consider the candidature of the petitioners for promotion to the post of Establishment Officer/Superintendent Grade-I and also to decide their representation.

2. It seems that while making the aforesaid prayer, it was essentially on the ground that the petitioners had been promoted on the post of Superintendent Grade-II later in time resulting in the petitioners not being eligible for promotion to the post of Superintendent Grade-I, having less experience than required. The meeting of DPC which was to be convened, was stayed by this Court and the promotions were also stayed.

3. In view of staying the promotions, the exercise of promotion was not done. The order of stay was made absolute.

4. During the pendency of the writ petitions, the petitioners have all retired. After the retirement, an application was moved by one applicant/respondent No.3 pointing out that the petitioners have already retired, therefore, he had become senior most and he was eligible for promotion and therefore, the respondents be directed to allow promotions to be made.

5. Accordingly, this Court modified the order of stay and granted liberty to the official respondents to promote eligible candidates including respondent No.3, as per law.

6. Having said so, this Court only granted benefit to respondent No.3 and foreclosed the consideration of the petitioners who have already retired.

7. In view thereof, no relief can now be granted to the petitioners, since the consideration of respondent No.3 is only against the vacancy which has been created after the retirement of the petitioners and the petitioners cannot claim any parity. The writ petition is dismissed accordingly.

8. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

24.11.2023.
rajesh

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No