

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24218 of 2015 (O&M)

Date of decision: 21.02.2023

Baldev Ram Sahota and others

..Petitioners

Versus

The State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rupinder S. Khosla, Senior Advocate, with
Mr. Aman Sharma, Advocate
for the petitioners.

Mr. R.S.Pandher, Sr. DAG, Punjab

ANIL KSHETARPAL, J(Oral)

On 19.11.2015, the following order was passed:-

“In the present case, the Departmental Promotional Committee was held on August 27, 2015 and made recommendations of 5 candidates for promotion as Deputy Secretaries from cadre of Under Secretaries. Candidate at Sr. No.1 Harchand Singh was promoted on October 15, 2015 vide Annexure P-12. However, the remaining four candidates (petitioners in this case) were to be promoted against the vacancies occurring on November 1, 2015, but the rule was amended by the Punjab Government vide notification dated October 30, 2015(Annexure P-10), where right of the promotion has been taken away by the Second Amendment Rules, 2015. The petitioners have received a letter dated November 6, 2015 (Annexure P-13) from the Government asking for their options whether they wish to forego promotion or continue with the extension period. The option has to be given within 30 days and in case, they are compelled to do so they may be seen to waive

their rights for promotion pressed in this petition.

Notice of motion, returnable by 8.12.2015.

On the asking of Court, Mr. Harkesh Manuja, Addl.A.G., Punjab, accepts notice on behalf of the respondents and waives service on them. Mr. Sharma to supply four sets of paper book to Mr. Manuja during the course of the day.

To be heard with CWP No.24265 of 2015.

Notice re: stay as well.

The petitioners will not be compelled to give their options and the exercise of option will be kept in abeyance till the next date of hearing.

Interim order in the same terms as passed in CWP No.24265 of 2015 and on parity, which means that the petitioners will be promoted and allowed to work on the promoted posts till the next date of hearing.

To be shown in the urgent list.

Order dasti.”

It is not disputed that pursuant to the aforesaid order, all the four petitioners were permitted to join on the promoted post of Deputy Secretaries on 01.11.2015 (petitioner no.1 and 2), 01.12.2015 (petitioner no.3) and 01.01.2016 (petitioner no.4). They after completing their tenure of the extended term stand retired.

The learned counsel representing the State of Punjab submits that the respondents do not intend to make any recovery from the petitioners, who have continued to work on the promoted post while getting their salaries.

The learned counsel representing the petitioners submits that in view of the aforesaid statement, no further order is required to be passed.

Disposed of accordingly.

All the pending miscellaneous applications, if any, are also disposed of.

February 21, 2023
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(ANIL KSHETARPAL)
JUDGE

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