

**107-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-24744-2015 (O&M)

Date of decision: 22.02.2023

Lakhmi Ram

....Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Puneet Gupta, Advocate for the petitioner
Mr. D.K.Singal, Addl. AG, Punjab

ANIL KSHETARPAL, J (Oral)

The petitioner prays for issuance of a writ in the nature of Mandamus to direct the respondents to promote him to the post of Special Secretary to the Minister.

The relevant facts, in brief, are required to be noticed.

The petitioner was due to retire, on attaining the age of 58 years, on 31.07.2015. A meeting of the Departmental Promotion Committee was held on 28.05.2015, in which the vacancy, which was to arise on 31.12.2015, was also considered and recommendations were made. Partially, the recommendations of the Departmental Promotion Committee were implemented on 28.05.2015, however, no person junior to the petitioner was promoted.

The petitioner was given one year extension in his service. On 31.10.2015, the State of Punjab amended the Punjab Civil Services (Second Amendment) Rules, 2015. It was provided that the officers, who are continuing in service, on account of the extension, shall not be considered for promotion. On 27.11.2015, the following order was passed in the present petition:-

“Notice of motion.

On the asking of Court, Mr. Inqulab Nagpal, AAG, Punjab accepts notice on behalf of the respondent and waive service on them.

Learned counsel for the petitioner is directed to supply sufficient number of paper-books to the learned counsel for the respondents, during the course of the day.

To be heard along with C.W.P No. 24265 of 2015 on 08.12.2015.

In the meantime, petitioner will not be compelled to give option and the exercise of option will be kept in abeyance till the next date of hearing.”

The petitioner, after availing the extension for a period of 2 years, superannuated on 31.07.2017. He claims parity with the petitioners in CWP-24218-2015 (**Baldev Ram Sahota and others vs. State of Punjab and others**) decided on 21.02.2023.

During the pendency of the writ petition, the State of Punjab has filed a miscellaneous application, while placing on record the order dated 15.12.2022, wherein the petitioner has been promoted as a Special Secretary to Minister on notional basis w.e.f 01.01.2016, on a higher pay scale. The order has been passed that the petitioner shall not be entitled to financial benefits, however, his retiral dues shall be revised.

At this stage, learned counsel representing the petitioner prays for permission to withdraw the present petition.

Ordered accordingly.

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

22.02.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE