

CWP-26153-2018 (O&M)

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

**CWP-26153-2018 (O&M)
Date of decision : 20.03.2023**

Barjinder Mohan and another

...Petitioners

Versus

State of Punjab and Ors

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Arjun Pratap Atma Ram, Advocate with
Mr. Rahat Sekhon, Advocate
for the petitioner.

Mr. I.P.S. Kang, A.A.G., Punjab.

Mr. H.S. Saini, Advocate
for respondent No.3.

Mr. Randhir Singh, Advocate with
Mr. S.S. Kainth, Advocate for
Mr. Inder Pal Singh, Advocate
for the caveator.

PANKAJ JAIN, J. (ORAL)

While issuing notice of motion, following order was
passed:-

*Both the petitioners being Diploma Holders in
civil engineering were appointed as Junior Engineers
in the year 2006 and they are stated to have acquired
the B.Tech Degree in Civil Engineering from the
Universities, which as per the Division Bench
Judgment of this Court were held to be invalid
degrees. Such degrees have also been held to be
invalid by Hon'ble the Supreme Court.*

In the instant petition, the challenge laid is to the order dated 24.9.2018/5.10.2018 (Annexure P12), passed by the Director, Local Government, Punjab, whereby they have been reverted from the post of Trust Engineer and Assistant Trust Engineer, respectively, in view of their degrees having been held invalid.

It is contended that if the right of promotion of the petitioners in the sub promotional quota meant for the Degree Holders is to be excluded even then the petitioners would have a right for consideration for promotion against the 30 per cent sub promotional quota reserved for Diploma Holders. Accordingly, their case for promotion in the sub promotional quota meant for Diploma Holders is liable to be considered w.e.f. the dates their juniors were promoted in that quota and the petitioners assigned the respective dates.

Notice of motion to respondent Nos.1 and 2, at this stage, for 15.11.2018.

On asking of the Court, notice has been accepted by Ms.Anu Chatrath Kapoor, Addl. A.G. Punjab, present in the Court. Copy given.

Operation of the impugned order (P-12) shall remain stayed till next date of hearing'.

Today, short reply by way of an affidavit of Mr. Sukhpreet Singh Sidhu, Joint Director, Directorate of Local Government, Punjab, has been filed on behalf of respondent Nos.1 and 2 in the Court and same is taken on record, wherein the following stand has been taken and the order dated 28.06.2022 has been placed on record:-

'5. That, the petitioners have averred in the

present petition that even if their Distance Education Degrees are taken to be invalid degrees, yet they would continue to be Diploma Holders (Which qualification they had acquired from the Punjab State Board of Technical Education) and accordingly they have a right to be considered as per their seniority for promotion as Assistant Trust Engineers in diploma quota. It is submitted that the contention of the petitioners is wholly misplaced. That, a careful perusal of the above-said order (Annexure P-4) would reveal that the petitioners had been granted promotion only on the basis of their degrees which they had acquired in the year 2011 and not on the basis of their diploma.

6. *That the petitioners are now claiming a right to promotion under the 30% sub-promotional quota reserved for Diploma Holders. It is submitted that the grievance of the petitioners has been redressed by the answering Respondents as Petitioner no.1 who had been promoted on an Ad-hoc basis to the post of Assistant Trust Engineer on dated 24/12/2011 against the post of direct recruitment Quota, Service of the petitioner no.1 has been regularized as Assistant Trust Engineer by answering vide order no.S1-DLG-TSC-2021/149 dated: 17.12.2021 (Annexure R-1/T) w.e.f. 03.01.2017 on the basis of his diploma. Further Petitioner no. 2 has been promoted to the post of Assistant Trust Engineer by answering Respondents vide order no. S3-DLG TSC-2022/47 dated: 28.06.2022 (Annexure R-2/T) w.e.f 28.06.2022. Therefore, in view of the above-mentioned orders passed by The Answering Respondents, the present Civil Writ Petition becomes infructuous, as the grievance of the petitioners has been redressed by the*

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Answering Respondents. However, they are not entitled to any benefit for the period of service, done on the basis of degree which was held invalid by Hon'ble Supreme Court of India'.

At this stage, Mr. Arjun Pratap Atma Ram, Advocate appearing for the petitioner submits that so far as the principle relief in the writ petition with respect to grievance against reversion is concerned, the same stand redressed. However, the order as per him still offends the rights of the petitioners with respect to seniority and the date of promotion. He prays for liberty to challenge the same.

In view of the stand taken by the State, nothing survives in the present writ petition to adjudicate at the hands of the Court. Resultantly, the present writ petition is ordered to have been rendered infructuous with liberty as prayed for.

Petitioners shall be at liberty to raise all pleas available to them.

20.03.2023

ps-I

(PANKAJ JAIN)
JUDGE

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