

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

CWP No.9989 of 2016 (O&M)

Date of Decision:07.08.2023

Hoshiyar Singh and others

...Petitioners

Vs

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gourav Jain, Advocate
for the petitioners No.1 to 4.

Mr. Jai Vir Yadav, Senior Advocate with
Mr. Aman Gautam, Advocate
Mr. Parul Sharma, Advocate
for petitioner No.5.

Mr. Sourabh Mohunta, DAG, Haryana.

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HARSIMRAN SINGH SETHI J. (ORAL)

The present petition has been filed by the petitioners seeking quashing of the order dated 01.01.2016 (Annexure P-4) whereby claim of the petitioners for promotion to the post of Executive Engineer has been rejected. The grievance of the petitioners is that juniors to the petitioners have been promoted whereas, petitioners, who were seniors, have not been granted the said benefit on the ground that there were disciplinary proceedings pending against them.

Learned counsel for petitioners No.1 to 4 submits that as of now, petitioners No.1 to 4 have already been promoted, hence, the present petition may kindly be disposed of having been not pressed any further qua them.

Ordered accordingly.

Mr. Jai Vir Yadav, learned Senior Advocate assisted by Mr. Aman Gautam and Ms. Parul Sharma, Advocates for petitioner No.5 submits that petitioner No.5 has not been treated fairly by the respondents as, on the date when

the consideration took place for promotion to the post of Executive Engineer, there was no impediment so as to debar him from promotion or to withhold his promotion, as no disciplinary proceedings were pending against him on the date of consideration of his promotion.

Learned State counsel as per instructions from Mr. Jasbir Singh, Superintendent P.H.E.D., Head Office, Panchkula and Mr. Pushpinder Kumar, Assistant, P.H.E.D., Head Office submits that claim of petitioner No.5 is being reconsidered for promotion to the post of Executive Engineers keeping in view the facts and circumstances of the present case and within a period of one month from today, appropriate order qua the claim of the petitioner for promotion to the post of Executive Engineer will be passed

Learned Senior Counsel for petitioner No.5 submits that the said consideration, which is being undertaken by the respondent-department, may be done in a time bound so that petitioner No.5 does not suffer any prejudice.

Keeping in view the statement made by learned State Counsel that claim of petitioner No.5 is under consideration for promotion to the post of Executive Engineer, let such consideration reach finality within a period of four weeks from the date of receipt of copy of this order and in case, petitioner No.5 is found entitled for promotion to the post of Executive Engineer, said benefit be extended to petitioner No.5 within a further period of two weeks.

The writ petition qua petitioner No.5 is disposed of in above terms.

(HARSIMRAN SINGH SETHI)
JUDGE

August 07, 2023
Pankaj*

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