

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

CWP No. 8955 of 2017 (O&M)
Date of decision : 10.04.2023

Ishan Goyal & another Petitioners

versus

State of Punjab & another Respondents

CWP No. 9206 of 2017 (O&M)

Rajiv Kumar Petitioner

versus

State of Punjab & another Respondents

CWP No. 9280 of 2017 (O&M)

Ankit Narang & another Petitioners

versus

State of Punjab & another Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. A.S.Chadha, Advocate
for the petitioners (CWP-8955-2017).

Mr. R.K.Arora, Advocate
for the petitioner (CWP-9206-2017).

Mr. Parvinder Singh, Advocate
for the petitioner (CWP-9280-2017).

Mr. Inderpreet Singh Kang, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

This order shall dispose off above mentioned three writ petitions.

While issuing notice of motion, the following order was passed in **CWP No.8955 of 2017** :-

“Contends that as per the rules vacancies of Assistant Trust Engineers are to be filled up by promotion from the Junior Engineers, Head Draftsmen, Junior Engineers with Degrees of a recognised University or Institute. The petitioners herein are Degree-holders and being eligible for promotion to the post of Assistant Trust Engineers were promoted on an ad-hoc basis. A writ petition came to be filed in this Court i.e. CWP No. 2085 of 2017 titled Narinder Singh and others vs. State of Punjab and others, by those persons who were Diploma-holders raising a claim that persons junior to them were promoted to the post of Assistant Trust Engineer. The writ petition came to be disposed of by giving a direction to the respondents to decide the legal notice of the petitioners in CWP No. 2085 of 2017. After disposal of the said writ petition, respondent No.2 considered the representation and has cancelled the orders of promotion of the petitioners herein by order dated 20.04.2017.

It is brought to the notice of this Court that the said orders have been cancelled, without issuance of show cause notice, without noticing that the petitioners herein are Degree-holders and have a separate channel of promotion to the post of Assistant Trust Engineer and, therefore, without adequate consideration, the impugned order would not be sustainable.

Notice of motion returnable by 14.08.2017.

In the meantime, effect of the impugned order dated 24.04.2017 (Annexure P-8) qua the petitioners who are Degree-holder and have independent channel of promotion to the post of Assistant Trust Engineer, is stayed till the next date of hearing.”

Counsels do not dispute that the earlier order dated 03.01.2017 was an order of provisional promotion which stands withdrawn subsequently on 24.04.2017. However, owing to interim protection granted by this Court, the petitioners continued to retain the promotional post. However, subsequent thereto the petitioners have been granted regular promotion vide order dated 28.06.2022.

In view of the aforesaid nothing survives in the present writ petitions. However, question with respect to the services rendered by the

petitioners from 24.04.2017 till 28.06.2022 on which they worked on the promotional posts but under the protection granted by interim orders of this Court is left open.

Petitions stand disposed off.

Photocopy of this order be placed in the connected files.

(PANKAJ JAIN)
JUDGE

10.04.2023
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No