

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

112 CM-1105-CWP-2024 in/and
CWP-14761-2020
Date of Decision: 05.02.2024

Satveer Singh and others ...Petitioners
VS
State of Punjab and others ...Respondents

CORAM : HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Sukhdev Raj Kamboj, Advocate for applicant-petitioners.
Mr. Paramjit Batta, Addl. A.G., Punjab.

AMAN CHAUDHARY, J (ORAL)

Prayer in the present application filed under Section 151 CPC is for disposing of the writ petition in terms of the judgment dated 21.11.2023 rendered by this Court in CWP-4882-2014.

Notice of the application.

Learned State counsel accepts notice and has no objection if the prayer made in the application stands allowed.

In view of the averments stated in the application, the same is allowed and the main case is taken up on the Board today itself.

Main Case

1. The prayer in the present Civil Writ Petition filed under Article 226 of the Constitution of India, is to issue a writ in the nature of mandamus directing the respondents-Department to promote the petitioners from C&V Cadre (PTIs) to the Master Cadre in the subject of Physical Education (D.P.E.) from the date of their junior has been given promotion.
2. Learned counsel for the petitioners submits that the issue involved in the present petition has already been dealt with and decided by

this Court vide judgment dated 21.11.2023 titled as **Sukhdeep Singh and others vs. State of Punjab and others**, CWP-4882-2014 Annexure P-9.

The present petition was previously ordered to be heard alongwith CWP-37716-2016, titled as **Mandeep Singh and others vs. State of Punjab and another**, involving the similar issue, which also stands disposed of in terms of the judgment passed in Sukhdeep Singh and others (supra), but the present petition remained pending. He thus, prays the instant petition is also disposed of in the same terms, wherein, it was held thus:-

“30. The State Government will, therefore, carry out an exercise on the basis of the revised seniority which they will have to publish in the near future in accordance with what has been stated hereinabove.

31. If the petitioners are found otherwise eligible for promotion, their promotion shall be made retrospectively from the date persons lesser in merit in the original selections have been so promoted. The consequential benefits shall also follow notionally. The service record for the purpose of promotion, of course will have to be considered only from the date the petitioners actually joined service for the purpose of merit.

32. It is also noticed that the Rules of 1978 have been amended and also repealed and new Rules have come into force with effect from 2018, in order to clarify and avoid further litigation, the State Government is directed that as far as the seniority list is concerned, the same shall be prepared in terms of the Rules of 1978 up to the date the said Rules were in force and the exercise of promotion of the petitioners will also be considered in terms of the said Rules alone. Keeping in view that this Writ Petition was pending on the date when the Rules came into force. After the promulgation of the revised Rules, the seniority list can be drawn as per the revised Rules and also further promotions can be done as per those Rules for the vacancies which may arise after the promulgation of the new Rules.

33. The State Government shall conduct the exercise of preparation of the revised seniority list in the aforesaid terms within a period of three months and the exercise of promotion shall also be carried out accordingly thereafter within a period of three months.”

3. Learned State counsel is unable to rebut the factual position in this matter or cite any contrary law.

4. In view of the aforesaid, the present petition is disposed of in terms of the judgment passed in **Sukhdeep Singh and others** (supra) and also **Mandeep Singh and others** (supra) and the necessary relief as entitled, be granted to the petitioners within a period of three months.

(AMAN CHAUDHARY)
JUDGE

05.02.2024
Hemant

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