

2024:PHHC:061282

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

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CWP-11577-2019 (O&M)
Date of decision: 03.05.2024

Gursharan Singh

State of Punjab and Others

....Petitioner

Versus

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Akshay Goel and Mr. Gurman Singh, Advocates for
Mr. P.K. Mutneja, Sr. Advocate for the petitioner

Mr. Satnam Preet Singh, DAG Punjab

AMAN CHAUDHARY. J. (ORAL)

1. The present petition has been filed for direction to consider the claim of the petitioner for promotion from C & V cadre to the DPE post i.e. master cadre from the date, when the juniors were promoted.
2. Notice of motion was issued in this case upon reliance placed by learned counsel for the petitioner on pendency of a similar case i.e. CWP-37716-2018 titled as **Mandeep Singh and Others vs. State of Punjab and Another**, which has now been disposed of by this Court vide order dated 18.12.2023, which reads thus:

“1. Matter comes up on application. For the reasons stated, the main case is preponed and is taken on board today itself.

2. Learned counsel for the petitioners submits that the case of the petitioners is similar to the bunch of cases decided by this Court on 21.11.2023 in **Sukhdeep Singh and others vs. State of Punjab and others in CWP-4882-2014 and other connected cases**, whereby this Court passed the following order:

“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amended and also repealed and new Rules have come into force with effect from 2018, in order to clarify and avoid further litigation, the State Government is directed that as far as the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 counsel for the petitioners states that he is satisfied if the same order is passed in the petitioners’ case.

4. Learned counsel for the respondents/State submits that if the case of the petitioners falls in the same category, he does not have any objection if the same order is passed in the present case.

5. Taking the statement of learned counsel for the petitioners at bar, this writ petition is *disposed of* in same terms as above.

6. All pending applications also stand disposed of accordingly.”

3. Learned counsel for the petitioner being unable to controvert the aforesaid, thus candidly pray for disposal of this case in terms thereof.

4. Ordered accordingly.

(AMAN CHAUDHARY)
JUDGE

03.05.2024
M.Kamra

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