



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

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CWP-14349-2024 (O&M)  
Date of decision : 06.11.2024

Harbans Singh

....Petitioner

V/S

State of Punjab and others

....Respondents

**CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: Mr. R.K. Arora, Advocate for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

Mr. Gaurav Sharma, Advocate for  
Mr. Ashish Verma, Avocate for respondent No.3.

Mr. Sanjeev Soni, Advocate with  
Mr. Sarthak Soni, Advocate for respondent No.4.

Mr. Ranjivan Singh, Advocate for respondent No.5.

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**NAMIT KUMAR, J. (ORAL)**

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India seeking the following reliefs :-

*“a) issue a writ in the nature of Certiorari/ Mandamus or such other appropriate writ, order or directions quashing the impugned order dated 29.05.2024 (P-17), whereby date of promotion of the petitioner on the post of Corporation Secretary has been changed from 12.01.2018 to 19.07.2021, as patently wrong, illegal, arbitrary, mala fide, unconstitutional, violative of principle of natural justice and also in violation of the Government Instructions dated 10.07.1995 (P-10) and 09.11.2009 (P-11) because as per these instructions Mr. Ranjeev Kumar S/o Khushi Ram, respondent No.6 who was promoted in the order dated 12.01.2018 (P-5) was required to be*



*considered for promotion on the basis of his own seniority-cum-merit without counting/consuming reserved roster point and consequently, respondent No.5-Jaswinder Singh S/o Hakam Singh is entitled to be considered against the roster point No.7 against Ranjeev Kumar and thus no change in the date of promotion of the petitioner is required;*

*b) issue a writ in the nature of mandamus directing the respondents to the effect that no change in the date of promotion of the petitioner is required because on the date of passing of promotion order dated 12.01.2018 (P-5), out of total 15 vacant posts, only 13 posts were filled and upto 15 posts, roster point No. 1, 7 and 15 are meant for Schedule Caste Category under the 14% reservation policy of the State;*

*c) issue a writ in the nature of mandamus directing the respondents not to give effect to the impugned order dated 29.05.2024 (P-17) and to direct the respondents to allow the petitioner all consequential benefits on the basis of his promotion order dated 12.01.2018 (P-5) including further promotion on the post of Assistant Commissioner as per DPC held 12.09.2023 on the basis of final seniority list of Corporation Secretaries already determined and finalized vide order dated 12.10.2022 (P-7);”*

2. Learned State counsel has produced copy of order dated 26.10.2024, whereby the petitioner has been granted promotion to the post of Secretary, Corporation w.e.f. 12.01.2018 i.e. the original date of promotion of the petitioner before passing the impugned order.

3. In view of the above, learned counsel for the petitioner submits that the relief claimed as per clause (a) and (b) are satisfied.

4. Learned Counsel for the petitioner submits that for claiming the relief of further promotion to the post of Assistant Commissioner as per recommendations of the D.P.C. held on 12.09.2023, the petitioner shall make a detailed representation to



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respondent No.1 and the same may be considered and disposed of in a time bound manner.

- 5. If any such representation is submitted by the petitioner within a period of 01 week from today, the same shall be considered and disposed of by respondent No.1 within a period of 06 weeks thereafter.
- 6. Disposed of in the above terms.
- 7. Pending application, if any, shall stands disposed of accordingly.

**06.11.2024**  
*kothiyal*

**(NAMIT KUMAR)**  
**JUDGE**

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether Reportable:        | Yes/No |