

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-19985-2014 (O&M)
Date of Decision : 19.01.2024

Gurkirat Singh and anotherPetitioners

Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Harpal Singh Saggu, Advocate for the petitioners.

Mr. T.P.S. Walia, AAG, Punjab.

Mr. Sanjeev Sharma, Advocate for respondents No.2 & 3.

Mr. Puneet Gupta, Advocate for respondent No.4.

NAMIT KUMAR, J. (ORAL)

1. The present writ petition has been filed by the petitioners under Articles 226/227 of the Constitution of India seeking a writ of certiorari for quashing the order dated 09.07.2014 (Annexure P-12) passed by respondent No.2-Punjab Mandi Board vide which seniority list of the Auction Recorders/Mandi Supervisors has been altered. Further prayer in the writ petition was made for staying the operation of the impugned order dated 09.07.2014.

2. Notice of motion in the present case was issued vide order dated 25.09.2014, which reads as under :-

“Notice of motion for 3.12.2014.

In the meantime, operation of the order dated 9.7.2014 (Annexure P-12) shall remain stayed.”

3. Thereafter, the abovesaid order was clarified by this Court vide order dated 14.12.2017, which reads as under :-

“Challenge in the instant petition is to the order dated 09.07.2014 (Annexure P-12) passed by the Secretary of the Punjab Mandi Board and whereby the seniority inter se the petitioners and private respondents in the cadre of Auction Recorders/Mandi Supervisors has been altered.

This Court while issuing notice of motion on 25.09.2014 had stayed the operation of the impugned order dated 09.07.2014.

It is clarified that during the subsistence of the interim order passed by this Court on 25.09.2014, nothing would prevent the Punjab Mandi Board to act upon the seniority position that prevailed prior to the passing of the impugned order.

List on 30.04.2018.”

4. During the course of arguments, it has been pointed out that petitioners No.1 and 2 have already retired from service on attaining the age of superannuation on 30.09.2017 and 31.10.2012, respectively and even respondent No.4 has also retired on 31.12.2017.

5. Since dispute in the present petition is with regard to the seniority of the petitioners viz a viz respondent No.4 and all of them have already retired, therefore, the present writ petition has been rendered infructuous.

6. Disposed of as having become infructuous.

7. However, it is clarified that disposal of the present writ petition shall not harm the interest of any of the parties to the lis, in

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any manner whatsoever.

8. Misc. Application(s) pending, if any, shall also stand disposed of accordingly.

19.01.2024

Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No