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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-19876-2023
Date of Decision: 30.04.2024

Vishal Bhatnagar

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Gurmandeep Singh Sullar, Advocate,
for the petitioner.

Mr. Sandeep Singh Mann, Addl. A.G., Haryana.

Mr. Jagbir Malik, Advocate,
for respondent No.2 & 3.

Mr. Anurag Goyal, Advocate,
for respondent No.4.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 16.08.2023 (Annexure P-10) passed by respondent No.1 being illegal and without authority of law with a further prayer for issuance of a writ in the nature of *mandamus* directing the respondent No.2 to consider and promote the petitioner to the post of Scientific Engineer in Haryana Renewable Energy Development Agency (HAREDA), Panchkula and also to stay the operation of impugned order (Annexure P-10).

2. Learned counsel for the petitioner submitted that so far as the first prayer of the petitioner for challenge to the impugned order dated 16.08.2023 (Annexure P-10) is concerned, the same has become infructuous in view of the fact that now respondent No.4 is not holding the post of Scientific Engineer because he has been given another post of Chief Scientific Engineer. He further submitted that the only prayer now which would survive in the present case is that the petitioner be promoted to the post of Scientific Engineer. He submitted that however the petitioner was also promoted to the aforesaid post vide Annexure P-12 but thereafter his promotion order has been kept under suspension vide Annexure P-15. He submitted that there was no justification for keeping the orders of promotion under suspension in view of the fact that the petitioner was not only eligible for being promoted but also suitable for the aforesaid post and further submitted that the aforesaid order by which his promotion has been suspended cannot remain in operation for a long period of time because it would affect his career and even otherwise also, right to be considered for promotion is also now a Fundamental Right in view of the judgment of Hon'ble Supreme Court in "*Ajay Kumar Shukla and others Vs. Arvind Rai and others*" (2022)12 SCC 579.

3. Mr. Jagbir Malik, learned counsel for respondents No.2 & 3 submitted that so far as now the limited scope of the present petition is concerned, the promotion order of the petitioner has been kept under suspension and the same cannot be kept for a long period of time. He stated that he has instructions to state that a conscious decision will be taken by the competent authority of respondent Nos.2 & 3 by passing an order with

regard to promotion of the petitioner within a period of one month from today.

4. In view of the aforesaid facts and circumstances, the present petition is disposed of. The competent authority of respondent Nos.2 & 3 is directed to take a conscious decision pertaining to the promotion of the petitioner and the subsequent order of suspension of the promotion order strictly in accordance with law and after giving adequate opportunity of hearing to the petitioner or his counsel and thereafter, to pass a well reasoned speaking order within a period of one month from today.

5. In case the petitioner is aggrieved by the aforesaid order passed by the competent authority of respondent Nos.2 & 3, then he shall be at liberty to challenge the same in accordance with law.

30.04.2024 (JASGURPREET SINGH PURI)
Bhumika JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |