



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

**CM-3194-LPA-2018 in/and
LPA-1188-2018 (O&M)
Date of Decision: December 02, 2024**

State of Punjab and others ... Appellants

Versus

Ashok Kumar and others ...Respondent

**CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Mr. Rohit Ahuja, Deputy Advocate General, Punjab
for the appellants.

Ms. Neha Jain, Advocate for
Mr. K.S. Dadwal, Advocate for the respondents.

LISA GILL, J.(Oral)

CM-3194-LPA-2018

For the reasons mentioned in the application, delay of 23
days in filing the present appeal is condoned.

Application is disposed of accordingly.

LPA-1188-2018 (O&M)

1. Prayer in this appeal is for setting aside interim order dated
01.06.2018 passed in CM-4443-CWP-2018 in CWP-1388-2010 filed by
the respondents/writ petitioners.

2. Prayer in the writ petition was for directing respondents
to consider and promote the petitioners to the post of Superintending

Engineer with all consequential benefits. They also prayed for setting aside decision dated 23.12.2009 and communication dated 14.01.2010.

3. Learned Single Bench vide impugned order dated 01.06.2018 directed DPC to be conducted forthwith and to consider the case of writ petitioners for promotion to the post in question, i.e. Superintending Engineer from the date of accrual in the year 2010 and in subsequent years while taking in consideration the three vacancies as mentioned. It was clarified that promotion so made shall be subject to final outcome of the writ petition. This order was subjected to appeal in present proceedings by the State of Punjab by taking a plea that this order amounts to allowing the writ petition itself. Notice of motion was issued in this appeal on 02.08.2018. Operation of impugned order dated 01.06.2018 was stayed. Proceedings of CWP-1388-2010 were also stayed.

4. Learned counsel for the State while referring to affidavit dated 07.01.2021 and subsequent affidavit dated 30.11.2022 submits that as on date out of 20 petitioners, 11 have been promoted on their own turn to the post of Superintending Engineer; 08 of them have retired and 01 has unfortunately passed away. This fact is affirmed and verified by learned counsel for the respondents/writ petitioners.

5. Learned counsel for the parties are *ad idem* that impugned order dated 01.06.2018 be set aside and the matter be heard on merits by learned Single Bench.

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6. Keeping in view the facts and circumstances as above, impugned order dated 01.06.2018 is set aside. Present Civil Writ Petition of the year 2010 be listed for hearing and final disposal as per roster promptly.

Appeal is accordingly disposed of.

Pending application(s) if any, stand(s) disposed of as well.

(LISA GILL)
JUDGE

(DEEPAK GUPTA)
JUDGE

December 02, 2024
sarita

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