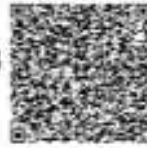


**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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2024.PHHC:073477-DB



LPA Nos.1963 and 2145 of 2023 (O & M)

Date of Decision: 23.05.2024

Kamaljeet Singh and others

.....Appellant(s)

Versus

State of Haryana and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present:- Mr. Viren Nehra, Advocate,
for Mr. Sunil Nehra, Advocate,
and Mr. Robin Lohan, Advocate,
for the appellants (in LPA-1963-2023).

Mr. HPS Bunker, Advocate,
for the appellants (in LPA-2145-2023).

Ms. Shruti Jain Goyal, Sr. DAG, Haryana.

Mr. Mukesh Kumar Verma, Advocate,
for respondent Nos.4 and 5 (in LPA-1963-2023).

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

1. The present two appeals i.e. LPA Nos.1963 and 2145 of 2023 are arising out of the interim order dated 28.11.2023 passed in CWP-24608-2023 and the other connected matters which are pending before the learned Single Judge. Vide the present order, both the abovesaid appeals are being decided.

2. The dispute as such before the learned Single Judge was qua the instructions dated 07.10.2023 (Annexure P-2), which was subject matter of challenge on the ground that the juniors had been called for promotion to the post of Deputy Superintendent of Police. The instructions, in principle, provided for

the benefit of reservation for promotion in all cadres of Group A and Group B posts to the employees belonging to Scheduled Castes to the extent of 20% of the sanctioned posts of promotional quota subject to various conditions. The learned Single Judge, thus, was of the opinion that the stay of instructions as such could bring the entire exercise of the State to nullity and could prejudice the rights of the reserved candidates. Resultantly, since pleadings were not complete, the learned Single Judge had observed while holding that the promotions would be subject to the decision of the writ petition, the said issue could again be raked up at the time when the pleadings were completed and necessary parties were impleaded.

3. The learned Single Judge, vide the said order had directed that the promotions made would be subject to the decision of the writ petitions and the State was permitted to proceed further with the promotions, as per the instructions.

The relevant part of the order reads thus:-

“34. Keeping in view the above said facts and circumstances, this Court is of the view that the ends of justice would be served in case the respondent-State is permitted to proceed further with the promotions in accordance with the impugned instructions but the same would be subject to the decision in the present writ petitions. The State has undertaken that they would also make a specific note in every promotion order to the effect that the said promotion order would be subject to the decision of the present writ petitions and the State would abide by the same.

35. It is clarified that this Court has not given any final opinion on the merits of the case and the observations made in the present order are only for the purpose of determining the interim prayer and the case would be considered finally independent of the observations made in the present order after taking into consideration the written statement filed by the State or by any other necessary party who may seek to be impleaded and also after taking into consideration the

replication, if any, filed by the petitioners to the said written statement.

36. Learned State counsel prays for six weeks time to file written statement. Written statement be filed on or before the next date of hearing with an advance copy to learned counsel for the petitioners.

37. Adjourned to 29.01.2024.

38. A photocopy of this order be placed on the files of other connected cases.”

4. The appellants herein are the writ petitioners and initially when the matter came up, it was ordered on 15.01.2024 that no further promotions shall be made. On 29.02.2024, by consent, the following order was passed:-

“A short accommodation is prayed for on behalf of learned counsel appearing for the appellants in LPA No. 1963-2023 due to non-availability of the learned senior counsel.

Learned counsel appearing for the parties are agreed that the interim order dated 15.01.2024 passed by this Court is liable to be modified by which it was ordered that no further promotions shall be made. The challenge is only to the instructions dated 07.10.2023 (Annexure P-2), whereby the State of Haryana has directed to grant benefit of reservation and promotions in all the cadres of Group-A and Group-B posts to the employees belonging to the Scheduled Castes to the extent of 20% of the sanctioned posts of promotional quota subject to the terms and conditions and the same is a matter of consideration. Accordingly, we clarify that the State of Haryana shall not be bound by the earlier order dated 15.01.2024 to the extent of promotions which are not connected with the instructions dated 07.10.2023 (Annexure P-2). Accordingly, the proceedings are deferred for 16.04.2024.

In the meantime, the State of Haryana will ensure that the pleadings are completed before the Writ Court as directed

by the learned Single Judge in the order which is under challenge.

A copy of this order be placed in the connected file.

5. Thereafter CM-1635-CWP-2024 was also filed in LPA-1963-2023 for modification of the above said order dated 29.02.2024, which was partly allowed on 13.03.2024 only with the clarification that Mr. Mukesh Verma, Advocate for respondent Nos.4 and 5 has not given his consent as mentioned in the earlier order.
6. Counsel are now agreed that if the above *status quo* continues during the pendency of the writ petitions, they would have no grouse as such left as the interest of both the parties would remain secured and the promotions would be subject to the final order to be passed.
7. Keeping in view the above consent given by the counsel as such, we dispose of the present appeals. The State is bound by the directions as such that the pleadings before the learned Single Judge would be completed before the next date of hearing i.e. 23.07.2024. Pending applications, if any, also stand disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

23.05.2024
shivani

(LAPITA BANERJI)
JUDGE

Whether reasoned/speaking	Yes
Whether reportable	No