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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RA-CW-444-2023 in
CWP-1838-1999
Date of Decision: 01.03.2024

Roop Lal and another

. . . . Petitioners

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. R.D. Bawa, Advocate with
Mr. Randher Bawa, Advocate and
Mr. Samuel Gill, Advocate
for applicant/respondent No.5.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Learned counsel for respondent No.5 has filed this review petition seeking review of the judgment passed by this Court dated 12.12.2023 wherein this Court made the following observations:

“8. Further this Court finds that respondent no.5 was already suffering punishment and the punishment was in currency at the time when the order of promotion was passed. Four increments were stopped permanently. Thus, the promotion in the year 1999 could not have been given. The action is found to be wholly arbitrary and illegal.”

2. Learned counsel submits that it could not be brought to the knowledge of this Court that respondent No.5 had challenged his punishment before the Civil Court, and the Court vide its judgment dated 13.06.2003 had set aside the punishment awarded to him.
3. This Court finds that the issue decided by this Court is in relation to the promotion granted to respondent No.5 for the year 1999, and the order dated 07.01.1999 was quashed on the said count as during the

pendency of punishment, he could not have been promoted. Subsequent exoneration by the Civil Court in relation to the said punishment will not be a reason to uphold the order dated 07.01.1999, as the situation as it existed on 07.01.1999, has to be examined while deciding the case.

- 4. In view thereof, no case for review is made out.
- 5. Review petition stands *dismissed* accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

March 01, 2024
Mohit goyal

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