



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

126

**CWP-33204-2024
Date of Decision :10.12.2024**

Amrik Singh and others**...Petitioners**

Versus

State of Punjab and others**...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. D.S. Patwalia, Senior Advocate with
Mr. Gauravjit Singh Patwalia, Advocate for the petitioners.

Mr. Arun Gupta, DAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

Learned Senior counsel appearing for the petitioners submits that keeping in view the language of the show cause notices (Annexure P-1 to P-60), the respondents have already decided that the petitioners are not eligible for promotion keeping in view the graduation degree which they have submitted in support of their claim that they are graduate and are fully eligible to be promoted to the post of Excise and Taxation Inspector.

Learned Senior counsel for the petitioners further submits that once a decision has already been taken, show cause notice is only a formality especially, when in the case of similarly situated employees, wherein petitioner No.1 was also a party though, the degrees which the petitioners have submitted in proof of their eligibility, the claim is covered in favour of the employees keeping in view the judgment of this Court in



CWP-7626-2015 titled as, Gurmail Kaur and others vs. State of Haryana and another decided on 27.05.2015 though, the said judgment is pending consideration before the Hon'ble Supreme Court of India but the employees have been given benefit of the said judgment subject to the outcome or any order to be passed by the Hon'ble Supreme Court of India and hence, the respondents should have waited for the decision of the Hon'ble Supreme Court of India in the case of **Gurmail Kaur (supra)** rather than precipitating the same issue by issuing the show cause notice

Notice of motion.

Mr. Arun Gupta, DAG, Punjab accepts notice on behalf of the respondent-State and submits that as of now only the show cause notice has been issued and no decision has been taken with regard to the eligibility of the petitioners and the same will be decided keeping in view the reply which has been filed by the petitioners coupled with the settled principle of law on the said issue.

Learned counsel for the respondent-State further submits that in case, any order has been passed by the competent Court of law in favour of petitioner No.1, the same will also be taken into account while deciding the issue qua the show cause notice issued to the other petitioners and in case the other petitioners are also found similar as the petitioner No.1, whatever decision will be taken in the case of petitioner No.1, the same will be made applicable qua the other petitioners as well and appropriate order will be passed giving due reasons for the ultimate decision to be taken by the competent authority, which reasons will be conveyed to the petitioners as well for their information and necessary action.

Learned Senior counsel for the petitioners submits that keeping



in view the statement of the learned counsel for the respondents, the present petition may kindly be disposed of having been not pressed any further with liberty that in case any order adverse to the interest of the petitioners is passed by the respondents, the petitioners can avail appropriate remedy.

Ordered accordingly.

December 10, 2024
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

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