



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No.34710 of 2024
Date of decision: 19.12.2024

Harjeet Singh Virdi
.....Petitioner
Versus
State of Punjab and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. D.S. Patwalia, Senior Advocate
with Mr. Kannan Malik, Advocate
for the petitioner.

NAMIT KUMAR J. (Oral)

1. The petitioner has filed the instant petition, claiming the following reliefs:-

Civil Writ Petition under Articles 226/227 of the Constitution of India with a prayer that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, including a writ in the nature of Certiorari quashing Clause 1, 3, 4 and 10 of the appointment letter dated 23.04.2024 (P-4) issued to the petitioner, inter alia, being illegal, arbitrary and in violation of the provisions of the Punjab Pollution Control Board Employees Service Regulations, 2002, the advertisement No. SA-I/F.No.832/2014/(1) as well as the notification dated 15.10.2015 (P-6) issued by the respondent-State.

It is further prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, including a writ in the nature of Certiorari setting aside the merit list (P-1) pertaining to the Advertisement No.SA-I/F.No.832/2014/(1), with a further prayer to issue a writ in the nature of Mandamus directing the respondent no.2 to re-cast the merit list, especially in light of the decision in CWP No.11333 of 2016.

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It is further prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, including a writ in the nature of Mandamus directing the respondents to grant notional appointment to the petitioner w.e.f. June 2015, i.e. when the juniors/counter-parts of the petitioner were appointed in service as Junior Environmental Engineers; with a further prayer re-fix the pay of the petitioner from the date of the said notional appointment.

It is further prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, including a writ in the nature of Mandamus directing the Respondents to prepare and finalise the seniority of Junior Environmental Engineers in the respondent-Board on the basis of merit as provided in the Punjab Pollution Control Board Employees Service Regulations, 2002.

It is further prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, including a writ in the nature of Mandamus directing the respondents to grant relaxation in experience required for promotion to the post of Assistant Environmental Engineers and further promote the petitioner to the said post w.e.f. 06.02.2018, i.e. the date when the juniors and the counterparts of the petitioner were promoted to the said post as the petitioner has lost service of nearly 9 years on account of illegal and arbitrary actions of the Respondent Board.

It is further prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, including a writ in the nature of Mandamus directing the respondents to frame and finalise the seniority of the Assistant Environmental Engineers as per the provisions of Punjab Pollution Control Board Employees Service Regulations, 2002.

It is further prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction, including a writ in the nature of Mandamus directing the respondents to grant relaxation to the petitioner in experience required for promotion to the post of Environmental Engineers in the Respondent Department inter alia by following the precedent laid down by



Respondents No.1 & 3 vide order dated 17.10.2023 (P-8) as the petitioner has lost service of nearly 9 years on account of illegal and arbitrary actions of the Respondent Board and further consider the candidature of the petitioner for promotion to the post of Executive Engineer along with his counter-parts/juniors.

It is further prayed that this Hon'ble Court may be pleased to issue any other appropriate writ, order or direction which this Hon'ble Court may deem fit and proper in the peculiar facts and circumstances of this case.

It is further prayed that during the pendency of the writ petition and subject to the final outcome of this case, the respondents may be restrained from carrying out Departmental Promotion Committee and/or implementing the recommendations of the DPC and/or carrying out promotions to the post of Environmental Engineers from amongst the Assistant Environmental Engineers OR in the alternative, direct the respondents to consider candidature of the petitioner for promotion as Environmental Engineer.

2. Learned Senior counsel for the petitioner submits that for claiming the aforesaid relief, the petitioner has submitted a representation dated 22.05.2024 (Annexure P-7) and at this stage, the petitioner would be satisfied, if the said representation is decided by passing a speaking order within a time bound frame.

3. Notice of motion.

4. Mr. Surya Kumar, AAG, Punjab, accepts notice on behalf of respondents No.1 and 3 and Mr. Rakesh Roy, Advocate for Mr. Abhilaksh Gaind, Advocate, accepts notice (through V.C.) on behalf of respondent No.3 and have no objection to the innocuous prayer made by learned senior counsel for the petitioner.

5. I have heard learned counsel for the parties and have gone through the record of the case.

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6. Without going into the merits of the case at this stage, the present petition is disposed of with a direction to respondent No.2 to consider and decide the representation dated 22.05.2024 (Annexure P-7), submitted by the petitioner expeditiously, after affording an opportunity of personal hearing to the petitioner by passing a speaking order, preferably within a period of three months from the date of receipt of certified copy of this order.

(NAMIT KUMAR)
JUDGE

19.12.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No