



**CWP-13923-2000 (O&M)
& connected cases 2**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ravi Kapur, Advocate, for the petitioner
in CWP-13923-2000 and CWP-9360-2014.

Mr. Puneet Gupta, Advocate, with
Mr. Anil Rana, Advocate, for the petitioner
in CWP-17790-2006.

Mr. J.S. Mannipur, Advocate, for the petitioner
in CWP-7155-2014.

Mr. Abhishek Masih, Advocate, for
Mr. B.S. Patwalia, Advocate, for the petitioner
in CWP-24439-2014.

Mr. Puneet Jindal, Sr. Advocate, with
Mr. Parambir Singh, Advocate,
for respondent-Punjab Mandi Board.

Mr. T.P.S. Chawla, Sr. Deputy Advocate General, Punjab.
for respondent No.1-State
in CWP-7155 and 9360-2014.

HARSIMRAN SINGH SETHI J. (ORAL)

1. By this common order, five writ petitions, the details of which have been given in the heading, are being disposed of as all these petitions involve the same question of law on similar facts.

2. In the present writ petitions, the challenge by the petitioner(s) that the degree which was obtained by the petitioner(s) in order to become eligible for promotion from the post of Junior Engineer, the experience already gained was good enough and the assertion of the respondent-Department that the same should be after obtaining the degree is not correct.

3. Learned counsel for the petitioner(s) submits that the present writ petitions were filed 19 years ago and the respondent did not grant the petitioner(s) the promotion by treating them eligible, by interpreting the Rules governing the service that the experience required on the post should be after



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obtaining the degree, is incorrect and the respondents were liable to be directed to promote the petitioner(s) as Assistant Engineer and for further promotion.

4. It may be noticed that as of now, the petitioner(s) as well as the private respondents have already retired from service. After retirement, they have already been granted the pensionary benefits keeping in view from the post they have retired and in case, the plea of the petitioner(s) is to be accepted, the same will re-shuffle all the promotion already made including that of retired employees so as to re-do their promotions which will affect the emoluments which they have already got to their detriment.

5. Once, all the parties to the litigation have already retired from service, the change of the date of their promotion, cannot re-done and in case the same is re-done now, the same will lead to withdrawing the benefit from a retired employee, which will be too harsh at this stage of their life.

6. By keeping the question of law open, the present writ petitions are disposed of with the observation that keeping in view the lapse of time and the fact that all the parties have retired from service, the issue between the parties has been rendered academic.

7. Civil miscellaneous application pending if any, also stands disposed of.

8. A photocopy of this order be placed on the file of other connected case.

March 12, 2025
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No