



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

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CWP-9387-2026

Date of Decision: **30.04.2026**

Jaswinder Singh

.....Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Dhiraj Chawla with Ms. Mehak Sharma, Advocates for the petitioner.

Ms. Anu Chatrath, Sr. Addl. AG with Mr. Vikas Sonak, AAG, for Punjab-State.

HARPREET SINGH BRAR, J. (Oral)

1. The present civil writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 10.03.2026 (Annexure P-6). Further, for issuance of a writ in the nature of *mandamus* directing the respondent to notionally promote the petitioner to the post of Trust Engineer (Horticulture) w.e.f. 15.02.2024 (the date of post creation) with all consequential benefits including the revision of pension and retiral dues along with arrears and interest @ 18% per annum for the period of delay and for initiation of contempt proceedings against the respondent under Article 215 of the Constitution of India for wilful disobedience and for clandestinely



disregarding the mandate of this Court by passing the impugned order dated 10.03.2026 (Annexure P-6), thereby, overruling the judgment dated 07.08.2025 (Annexure P-4).

2. On the last date of hearing, the following order was passed by this Court on 30.03.2026:-

“2. Learned counsel for the petitioner inter alia contends that the petitioner had earlier approached this Court by way of filing CWP No.22784 of 2025 titled as Jaswinder Singh Vs. State of Punjab and others which was allowed on 07.08.2025 (Annexure P-4) by setting aside the specific stand taken by respondent No.1 in the impugned order dated 07.07.2025 to the effect that till the retirement of the petitioner, no post of Trust Engineer (Horticulture) was available. Further, the right of the petitioner for promotion accrued when the competent authority, prior to his retirement, had approved the creation of the said post. Thereafter, the order was not implemented due to administrative lethargy, the petitioner approached this Court well in time. The aforesaid writ petition filed by the petitioner was disposed of on 07.08.2025, thereafter, in essence and substance, on the very same grounds, the respondent passed the impugned order dated 10.03.2026 (Annexure P-6). Further, there is no denial of the fact that the respondent has not filed any intra-court appeal challenging the judgment rendered by this Court on 07.08.2025.

3. He further submits that the judgment of the Hon’ble Apex Court in Government of West Bengal and others vs. Dr. Amal Satpathi and others, 2025 (4) SLR 531, is not applicable to the peculiar facts and circumstances of the present case and that once a judgment of this Court has attained finality, the respondent is obligated to implement it and cannot circumvent the same by obtaining the opinion of the learned Advocate

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General.

4. *In view of the peculiar facts and circumstances of the case, the Administrative Secretary, Incharge of the Local Government (Punjab), is directed to file his affidavit explaining whether the respondent(s) is not bound to implement the judgment rendered by this Court and whether they can circumvent the same merely on the basis of opinion. The affidavit should also address why proceedings under Article 215 of the Constitution of India should not be initiated for wilful non-compliance as once a judgment has attained finality and particularly when no intra Court appeal has been filed against the judgment rendered by this Court.*

5. *It is further clarified that the term 'suitable' used in paragraph 11 is only to mean to the extent that the petitioner fulfils the minimum benchmark in the ACR and is not facing any disciplinary proceedings which could create an embargo on his promotion.*

6. *List on 30.04.2026"*

3. In compliance with the directions issued hereinabove, an affidavit of Jagdeep Saigal, Joint Secretary to the Government of Punjab, Department of Local Government, has been filed in Court today. The same is taken on record, subject to all just exceptions. The Registry is directed to tag/place the said affidavit at the appropriate place on the paper-book.

4. Learned State Counsel for the respondent submits that the present writ petition has been rendered infructuous, inasmuch as the impugned order dated 10.03.2026 (Annexure P-6), which formed the subject matter of challenge in the present proceedings, has since been withdrawn by



the competent authority. Consequently, it is contended that no cause of action survives for adjudication and the present petition does not call for any further consideration by this Court.

5. In view of the aforesaid submission and the withdrawal of the impugned order, the present writ petition stands disposed of as having been rendered infructuous.

6. Pending miscellaneous application(s), if any, shall also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

30.04.2026

Puneet Chawla

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No