



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

217

CWP-9856-2017

DATE OF DECISION: 27.03.2026

DEEPAK KUMAR NISHAD

.....Petitioner

Versus

ARUN KUMAR & OTHERS

... Respondents

CWP-9922-2017

**CHANDIGARH ADMINISTRATION
AND ANOTHER**

.....Petitioners

Versus

ARUN KUMAR AND OTHER

... Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Vikas Chatrath, Senior Advocate with
Ms. Yaashica, Advocate for the petitioner(s).

Mr. Maheshinder Singh Sidhu, Addl. Standing Counsel
for the petitioner in CWP-9922-2017 and
for respondent – U.T., in CWP-9856-2017.

Mr. Aalok Jagga, Advocate for respondent No.1.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. Both the petitions, the details of which are mentioned in the heading, involve common point of law and common set of facts, hence, they are being dealt together. For the sake of convenience, the facts are being taken from CWP-9856-2017.

2. The present bunch of petitions have been filed challenging the order passed by the Central Administrative Tribunal Chandigarh Bench, Chandigarh (hereinafter referred to as 'The Tribunal') dated 11.01.2017 (Annexure P-5) by which order, the appointment of the petitioner to the post of Supervisor made in



pursuance of the advertisement dated 07.10.2013 has been quashed by the Tribunal and the respondents were directed to notify fresh Service Recruitment Rules.

3. Learned counsel appearing on behalf of the respective parties submit that as a period of approximately nine years have passed since the passing of the order by the Tribunal, the parties will be satisfied in case, direction is given to the Chandigarh Administration to consider Deepak Kumar Nishad for further promotion from the post of Supervisor to the post of Manager and the respondent-Arun Kumar be considered for the resultant vacancy of the Supervisor, as the Chandigarh Administration still has the power to consider its own employees for promotion rather than bringing someone on deputation or by way of transfer.

4. Learned counsel for the Chandigarh Administration submits that as per his instructions, in case any such direction is given for consideration of Deepak Kumar Nishad for further promotion to the post of Manager and considering Arun Kumar on the resulted vacancy for promotion to the post of Supervisor, appropriate action will be taken.

5. Learned counsel for the respondent-Arun Kumar raises no objection in case, the present bunch of petition is decided in terms of the requests made by the respective parties noted hereinbefore.

6. We have heard learned counsel for the parties and have gone through the record with their able assistance.

7. Keeping in view the above, the present petitions are disposed of with the direction that Deepak Kumar Nishad be considered for further promotion to the post of Manager and in case, he is found eligible and fit for promotion, appropriate decision be taken in the said regard and in case he is ultimately promoted, then, Arun Kumar be considered for promotion in terms of the regulation for the resultant vacancy of the Supervisor. The said claim will not be rejected that the



post cannot be filled by promotion. The State is bound to consider the interest of its own employees for promotion at a higher pedestal as compared to those persons who are brought on deputation or by way of transfer so as to ignore the employees for promotion. The present order is being passed keeping in view the time frame, which has lapsed since the passing of the order dated 11.01.2017 by the Tribunal.

8. Qua the direction given by the Tribunal to notify the fresh service recruitment rules, the Chandigarh Administration is directed that the same should be visited keeping in mind that its own employees should not be prejudiced for promotional avenues rather than bringing somebody by way of transfer or deputation in preference to promotees.

9. Further, in case nobody is found eligible for direct recruitment or promotion, then the option of bringing the person by way of transfer or by deputation should be resorted to and the same should be kept in mind while re-visiting the rules governing the issue.

10. Any benefit which has not been released to any of the parties including Deepak Kumar Nishad, due to the pendency of the present proceedings, let a representation qua the same be made by him to the authorities concerned and in case any such representation is made, the authority will decide the same within a period of eight weeks of the receipt of the same by passing an appropriate order.

11. A photocopy of this order be also placed on the file of connected case.

(HARSIMRAN SINGH SETHI)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

27.03.2026
sapna

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