

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 6983-6985 OF 2001

C.L. PREMY & ANR.

Appellant (s)

VERSUS

STATE OF PUNJAB & ORS.

Respondent(s)

WITH R.P.(C) NO. 1324 of 2000

Civil Appeal NO. 6986 of 2001

Civil Appeal NO. 6989 of 2001

(With appln(s) for stay)

Date: 29/11/2005 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Appellant(s)

Mr. R.K. Kapoor,Adv.

Mr. Mukesh Kumar Verma,Adv.

Mr. N.K. Gajua,Adv.

Mr. Anis Ahmed Khan,Adv.

Mr. Rajeev Sharma,Adv.

Mr. Chander Shekhar Ashri,Adv.

For Respondent(s)

Mr. H.S. Munjral,Adv.

Mr. Arun K. Sinha

Mr. Anis Ahmed Khan,Adv.

Ms. Naresh Bakshi, Adv.

UPON hearing counsel the Court made the following

O R D E R

The Appeals and Review Petition are disposed of in terms of the signed order

(Ganga Thakur)

(Radha R. Bhatia)

PS to Registrar

Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.6983-6985 OF 2001

C.L. Premy & Anr.  
..Appellant(s)

Versus

..Respondent

State of Punjab & Ors.

With C.A. Nos. 6989/01, 6986/01 & R.P.(C) No. 1324/00.

O R D E R

All these appeals arise out of common judgment and order passed by the High

Court of Punjab and Haryana dated 1st June, 2000.

By the aforesaid order, the High Court has directed to promote Respondent No.2

Harbans Singh Gill to the post of District Development and Panchayat Officer from 11.10.1988

and Deputy Director with effect from 18.6.1997. This order has been challenged by one Mr.

Premy and Anr. by filing C.A. Nos. 6983-6985/01.

It appears that Harbans Singh was appointed to the post of DDPO on 11.9.1982

and Premy and another were appointed in 1984. This would clearly show that Harbans Singh,

Respondent No.2 is senior to Premy and another in the post of DDPO and therefore Premy and

another cannot raise any grievance to the promotion of Harbans Singh, The Civil Appeal No.

8983-6985/01 filed by C.L. Premy & another are accordingly dismissed.

So far as with regard to Civil Appeal No. 8986/01 filed by Joginder Singh, the

principal grievance raised in this appeal is that the aforesaid direction of the High Court is

adversely affecting the service career of the appellant Joginder Singh without making him as

party in Writ Petition No.17665/99.

We found from the writ petition itself that he has not been arrayed as party

respondent. The serious disputed contention has been raised before this Court with regard to

the promotion to the post of DDPO/Deputy Director in respect of Joginder Singh qua Harbans

Singh Gill. Since the High Court has disposed of the writ petition without making Joginder

Singh as party-respondent we do not want to enter into this disputed contention at this stage.

As we are remitting the matter back to the High Court to consider afresh after making Joginder

Singh as party-respondent in Writ Petition No.17665/99. The impugned order of the High

Court is accordingly set aside and Writ Petition No.17665/99 is restored to its original file. We

make it clear that Joginder Singh shall be impleaded as party respondent in Writ Petition No.

17665/99.

Since the matter is pending from the year 1999, the High Court is requested to

dispose of the writ petition expeditiously. In the meantime the promotion that has already been

made in respect of Joginder Singh and Harbans Singh shall not be disturbed. However, the

same shall be subject to the final outcome of the writ petition.

The appeals are accordingly disposed of.

R.  
P.(C) No. 1324/2000

SLP(C) No. 16536/200 filed by the State of Punjab has become infructuous, in view of the order passed by this Court as aforesaid.

The Review Petition is also disposed of.

.....J.

(H.K. SEM

A)

.....J.

.....

AR)

(P.P. NAOLEK

New Delhi,

November 29, 2005.