

**128 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CWP-885-2025****Date of Decision: January 15, 2025****Harjeet Singh Viridi****...Petitioner****Versus**

State of Punjab and others

...Respondents**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** Mr. Kamaldeep Singh Sidhu, Advocate for the petitioner.**DEEPAK GUPTA, J.(Oral)**

Pursuant to an advertisement issued in October, 2014 for filling up 20 posts of Junior Environmental Engineer (JEE), petitioner participated in the process, but was not selected. On the basis of information received through RTI, petitioner came to know that answer key of two of the questions was wrong. He filed CWP No.11333 of 2016, wherein those two questions were referred to the Expert Committee and contention of the petitioner was found to be correct. After the report of the Expert Committee and during the pendency of CWP No.11333 of 2016, petitioner was issued appointment letter on 23.04.2024. However, in the meantime other persons junior to the petitioner had already been appointed in 2015 and those persons junior to the petitioner, were even promoted as Assistant Environmental Engineer (AEE) in 2018 and now they have become eligible for the promotion for the post of Environmental Engineer. Besides, petitioner had also filed CWP No.34710 of 2024, wherein apart from other claims, petitioner had prayed to restrain the respondents from carrying out the Departmental Promotion Committee and to implement the recommendations of the DPC to carry out any promotion to the post of Environmental Engineer (EE) from amongst the Assistant Environmental Engineer (AEE) or in the alternative that the respondents to consider candidature of the petitioner for promotion as Environmental Engineer. That writ petition was disposed by this Court vide order dated 9.12.2024 with the direction that respondent No.2 will 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 03 months from the date of receipt of certified copy of that order.

2. Respondent-Board later on issued a tentative seniority list of AEE, which is to be considered for promotion to Environmental Engineer on 17.12.2024. As the claims and issues of the petitioner including that of fixation of seniority as agitated vide representation dated 22.05.2024 were still pending for consideration, he filed objections against the tentative seniority list. However, without considering those objections, respondents have issued a letter dated 03.01.2025, whereby the meeting of DPC for effecting various promotions in Punjab Pollution Control Board including that AEE has been fixed for 16.01.2025.

3. Learned counsel for the petitioner contends that in case the persons, who were junior to the petitioner are promoted to the post of AEE, the rights of the petitioner will be prejudiced.

4. Notice of motion.

5. Mr. Rajesh Sehgal, Addl. A.G., Punjab and Mr. Abhilaksh Gaiind, Standing counsel have accepted notice on behalf of respondent Nos.1 and 3 – State and respondent No.2 respectively.

6. It is pointed out by learned State counsel that as per the letter dated 03.01.2025 (Annexure P-12) whereby meeting of the DPC has been called, it is not only the promotion from the post of Assistant Environmental Engineer to Environmental Engineer, the other promotions are also to be considered. It is conceded position that representation of the petitioner pursuant to the order dated 19.12.2024 (Annexure P-9) has not been considered till date.

7. In the aforesaid facts and circumstances, this petition is hereby disposed of with the direction to respondent No.2 to decide the representation of the petitioner in terms of order dated 19.12.2024 passed in CWP No.34710 of 2024. It is further directed that till the said representation is decided, the Departmental Promotion Committee as called vide letter dated 03.01.2025 (Annexure P-12) shall not consider promotion from the post of Assistant Environmental Engineer (AEE) to Environmental Engineer (EE) though the DPC may consider the other promotions.

January 15, 2025

sarita

Whether reasoned/speaking:
Whether reportable:

(DEEPAK GUPTA)
JUDGE

Yes/No
Yes/No