

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

CWP no. 15385 of 2013(O&M)

Date of Decision : 14.12.2015

Ishwar Dayal Verma

....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

- 1)Whether reporters of local newspapers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

Present : Mr.Virender Kumar, Advocate for the petitioner

Mr. Hitesh Pandit, Addl. AG, Haryana

MAHESH GROVER, J.

This is a writ petition where the petitioner claims for promotion w.e.f 20.12.2012 the date when his senior Madan Mohan was promoted while declining the claim of the petitioner even though his name was considered and recommended alongwith said Madan Mohan vide the same process. Annexure P-2 is the cause of grievance to the petitioner wherein the claim of the petitioner has been declined only on the ground that one Risal Singh immediately senior to the petitioner in the list of recommendations was granted an accelerated promotion on account of his belonging to the Scheduled Caste.

It is stated by the respondents that the petitioner could not be

promoted and he can have no grievance as no junior to him was promoted and in view of the decision rendered by this Court in CWP no. 17280 of 2011 titled as **Prem Kumar Verma and others vs. State of Haryana** whereby the instructions of the Govt. dated 16.3.2006 pursuant to which said Risal Singh was promoted have been quashed which would imply a fresh exercise to be conducted by the respondents in order to ascertain various claims of the persons such as petitioner.

On due consideration of the matter, I am of the opinion that the decision of Prem Kumar Verma's case came in the year 2012 and 3 years have elapsed since then, therefore, respondents cannot held up the process of promotion to deprive the incumbents of their rightful claims for all times to come, on account of delay which is writ large on the face of it as the petitioner has since retired. In this eventuality he would only be entitled to notional benefits of promotion, if granted to him. The writ petition is therefore disposed of with a direction to the respondents to consider the case of the petitioner for promotion by undertaking the exercise resulting from the decision of Prem Kumar Verma's case and promote the petitioner in the event of his being entitled to it.

Let needful be done within a period of two months from the date of receipt of certified copy of this order and in case the petitioner is found entitled to promotion, benefits of promotion be given to him immediately thereafter alongwith notional benefits that he would be entitled to in view of superannuation

which benefits shall be given to him within a period of four weeks thereafter.

Disposed of.

December 14, 2015

rekha

(MAHESH GROVER)

JUDGE