

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

RSA No.3388 of 2008 (O&M)
Date of decision: 18.02.2015

Kali Dass

..... Appellant

Versus

State of Haryan and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Sanjay Vashisth, Advocate for the appellant.

Mr. Kuldeep Tiwari, Additional Advocate General, Haryana.

RAJESH BINDAL, J

The plaintiff-appellant has filed the present appeal before this Court impugning the judgement and decree passed by learned lower appellate court, whereby that of the trial court was reversed and the suit filed by the plaintiff-appellant was dismissed.

The plaintiff in the present case, who was working as T-mate, filed the suit claiming promotion as Electrician from 26.12.1985, the date from which persons junior to the plaintiff-appellant were promoted. The name of the plaintiff-appellant in the seniority list was at Sr. No.76, whereas the names of the juniors, namely, Jogender Singh, Subhash Chander, Dharambir, Vijay Kumar and Vijay Kumar had been placed at Sr. Nos.80, 83, 99, 111, and 124, respectively. The suit filed by the plaintiff-appellant was decreed by the trial court vide judgement and decree dated 7.8.2006. The plaintiff-appellant was directed to be promoted as Electrician w.e.f. 26.12.1985. The State being aggrieved against the judgement and decree of the trial court filed appeal. In appeal, the judgement and decree of the trial court was reversed and the suit filed by the appellant-plaintiff was dismissed solely on the ground that the persons, who were alleged to be junior to the plaintiff-appellant and were promoted earlier, were sought to

be reverted and show cause notices were issued to them. They challenged the show cause notices by filing petitions before this Court vide CWP No.8281 of 1994, 8415 of 1994, 4498 of 1995, wherein the reversion of the petitioners therein was stayed.

Considering the aforesaid development, the learned lower appellate court while accepting the appeal filed by the State, dismissed the suit filed by the appellant.

Learned counsel for the respondent submitted that the aforesaid writ petitions filed by the persons junior to the appellant-plaintiff who had been promoted earlier were dismissed by this Court vide separate orders passed today. This fact is not disputed by learned counsel for the appellant-plaintiff.

Considering the fact that the only ground on which the appellant-plaintiff had sought relief was that the some persons junior to him were promoted as Electrician, hence, he was entitled to be promoted, does not survive. The position as stands today is that the persons, who were junior to the appellant-plaintiff and were promoted earlier, were reverted by the State, as the writ petitions filed by them challenging their reversion were dismissed by this Court. Nothing survives in the present appeal.

No substantial questions of law arises in the present appeal, accordingly, the same is dismissed.

(RAJESH BINDAL)
JUDGE

18.2.2015

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