

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

CWP No.7353 of 2015

Date of decision: 22.04.2015.

Paramvir Singh and another

..Petitioners

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Sunil K. Nehra, Advocate
for the petitioners.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents not to make further promotions on the post of Assistant Engineer in violation of rules as the respondents are going to promote certain candidates, which is contrary to the rules.

Learned counsel for the petitioners submits that the department is ignoring the note given in the rules, which has been brought out by way of an amendment dated 03.05.1996. The issue was discussed in DPC held on 08.04.2015 and promotion orders are likely to be passed. Learned counsel also submits that the petitioners

have made representation on 13.04.2015 but without taking note thereof, promotions are being made contrary to amendment.

Heard arguments of learned counsel for the petitioner and have also perused the documents on the file.

Admittedly, no promotion has taken place so far and only on the basis of apprehension, this petition has been filed by stating that promotion orders are likely to be passed. No cause of action has arisen to the petitioners to invoke the extraordinary jurisdiction under Articles 226/227 of the Constitution of India as nothing has been brought on record that the matter regarding promotion has been considered.

Simply by stating that the matter has been considered in DPC and the promotion orders are likely to be passed in favour of the private respondents, it cannot be said that the cause of action has arisen qua the petitioners. The present petition is premature and no direction can be issued at this stage.

Dismissed as premature.

However, it is expected that the respondents would follow the amendment in the rules at the time of further promotion.

22.04.2015
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(DAYA CHAUDHARY)
JUDGE