

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.449 of 2013 (O&M)
Date of Decision.13.08.2015

EHC Amrit Lal

.....Appellant

Versus

The State of Haryana and others

.....Respondents

Present: Mr. Gorakh Nath, Advocate
for the appellant.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers 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?

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K. KANNAN J. (ORAL)

1. The plaintiff sought a mandatory relief of injunction for promotion which he claimed as a Constable to a next higher post. The contention was that there was an examination to qualify for being promoted but there was no intimation given to the plaintiff as regards the date of examination. Some other candidates had been informed about the date but the plaintiff had been omitted to be informed. The plaintiff was, therefore, pleading for a position that he must be deemed to have been qualified in the examination and could not be denied the right of promotion.

2. If the promotion to a next post was not merely on the basis of seniority but it was a merit based consideration on examination to be passed then unless he had qualified in the examination, there was no question of his being considered for promotion to the next higher post. If there was ever a plea that he had not been informed about the date of

examination, the remedy ought to be elsewhere of either seeking for a special test to be conducted for him or he could only press for relief of damages for what the administration failed to do so. This is on the assumption that the plaintiff's contention regarding the non-communication of the date of examination is true. The two Courts below held that it is not possible to consider his plea for mandatory injunction for promotion. I would find no error in the decision taken for such mandatory relief cannot be granted for a selection post.

3. The decisions are confirmed and I hold that there is no scope for intervention in the second appeal as the case involves no substantial question of law for consideration. The second appeal is dismissed.

(K. KANNAN)
JUDGE

August 13, 2015
Pankaj*