

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

CWP No.10377 of 1998

Date of Decision: 12.5.2016

Dr.Sohan Singh

...Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present:Mr.Akhilesh Vyas, Advocate for the petitioner

Mr.G.S.Bal, Sr.Advocate with
Mr.A.D.S.Bal, Advocate for respondent no.3

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

1. Counsel for respondent no.3 makes statement that the petitioner has passed away during pendency of this petition. Mr.Bal, learned senior counsel says that the private respondents have retired from service about 15 years ago. The claim in this petition was for substantive promotion as Professor (Orthopaedics) in the Punjabi University, Patiala, but the defence of respondent no.3 was that the petitioner's career was mired in departmental and criminal proceedings initiated against him. He was charged with commission of offences of corruption under the Prevention of Corruption Act, 1988. The late petitioner was prosecuted for accepting bribe in case FIR 72 dated 25.9.1997, Police Station Vigilance Bureau, Ferozepur on a raid conducted at his residence on 25.9.1997. He was acquitted of the charge by giving him the benefit of doubt vide judgment of Special Court, Faridkot dated 19.8.2003. The substance of the departmental proceedings was that the petitioner had given a false medical

certificate to a Government employee to unduly benefit him. For these reasons he was ignored for promotion by DPC.

2. Though at first glance it cannot be said that the cause of action has abated yet it cannot be reason enough to interfere in writ jurisdiction. But to put an end to that claim Mr. Bal counters with the dampning reminder that vide Annex.P-10, the private respondents themselves had been granted *ad hoc* promotion in the cadre of Professors (Ortho) consisting of 5 posts to be filled as per Rule 9 of the Punjab Medical Education Service (Class -I) Rules, 1978. 75% by promotion and 25 % by direct recruitment. The petitioner claimed roster point promotion being a member of the scheduled caste against carry forward vacancy with the 1st and the 7th post reserved for members of the reserved category. Therefore, the cause of action to claim promotion or the monetary value of it by the LRs, in case retrospective promotion is given, no longer subsists either before or after the death of the petitioner. In view of these circumstances, there is no life left in this petition which is rendered infructuous and incapable of award of any constructive relief.

3. Dismissed as infructuous.

12.5.2016

MFK

(RAJIV NARAIN RAINA)
JUDGE