

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

CWP No. 18983 of 1998 (O&M)

Date of Decision: 30.8.2016

R.K.Garg

... Petitioner

Versus

State of Haryana etc.

... Respondents

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

Present: Mr.OP Goyal, Sr.Advocate with
Mr.Mukesh Verma, Advocate for petitioner

Mr.Shruti Jain Goel, AAG, Haryana

RAJIV NARAIN RAINA, J. (Oral)

The claim in this petition at the hands of the petitioner, R.K.Garg is for promotion to the rank of Chief Engineer on regular basis w.e.f. 1st November, 1994 and then as Engineer-in-Chief w.e.f. 16th April, 1995, on the assumption that his junior was promoted on these ranks and to grant him consequential benefits of salary etc. The grievance of the petitioner is that in the original seniority list published on 7th May, 1987, the petitioner was shown senior to Sh.R.R.Sheoran. However, in the seniority list dated 22nd March, 1995 (Annex. P-16) and seniority lists dated 6th/16th April, 1995 (Annex. P-17 and P-18), the petitioner was shown junior to Sh.R.R.Sheoran in the cadre of Class 1 Officers. Learned counsel for the State submits that it is no longer an actionable claim since the promotion of Sh.R.R.Sheoran is protected by the judgment of the Supreme Court in **S.S.Bola vs. B.D.Sardana**, 1997 (8) SCC 522. This re-drawing of seniority and consequential promotion was necessitated as a result of Haryana Act No.20 of 1995 which legislated service conditions w.e.f. 1st November, 1966 i.e. from the date of re-organization and

the creation of the State of Haryana.

In view of the above, nothing survives for determination in this case. I find no merit in this writ petition which is accordingly dismissed. .

30.8.2016
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No