

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 15135 of 2013

Date of Decision : May 09, 2016

Sumer Singh ..... Petitioner  
vs.  
State of Haryana and others ..... Respondents

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.**

\* \* \*

*To be referred to Reporters or not ?*

*Whether the judgment should be reported in the digest ?*

\* \* \*

Present : Mr. Amit Parashar, Advocate  
for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

\* \* \*

**DEEPAK SIBAL, J. :**

Affidavit of the petitioner, filed in compliance with the order of this Court dated 01.12.2015, is ordered to be taken on record. Copy of the same has been supplied to the counsel for the State.

Through the present petition, the petitioner, after seeking quashing of the order of his reversion dated 10.10.2008 from the post of Superintendent to the post of Deputy Superintendent, as also the order dated 11.03.2011, through which his representation, against the afore-referred reversion order, has been rejected, seeks issuance of directions to the respondents to promote him as Superintendent in the Department of Health,

Haryana w.e.f. 05.06.2008, with all consequential benefits.

Shorn of unnecessary details, the facts, which are borne out from the record of the case and which have emerged from the arguments raised at the bar are that while the petitioner served the Department of Health, Haryana, he, through order dated 05.06.2008, was promoted from the post of Deputy Superintendent to the post of Superintendent. Such promotion was subject to approval of the Government and it was stipulated in the promotion order that in case, within the period of four months, the Government does not grant any such approval, the petitioner would be deemed to be reverted back to the post of Deputy Superintendent. As the required approval was not granted by the Government, as per the condition contained in the promotion order, the petitioner was reverted to the post of Deputy Superintendent. Thereafter, on attaining the age of superannuation, the petitioner retired from service on 31.03.2009. After his retirement, his juniors, through order dated 29.10.2009, were regularly promoted from the posts of Deputy Superintendents to Superintendents. It is in these circumstances, that the petitioner has approached this Court through the present petition for the reliefs mentioned above.

Through order dated 05.06.2008, the petitioner was promoted from the post of Deputy Superintendent to the post of Superintendent, which contained a clear stipulation that in case, the Government does not grant approval within four months of the order of promotion, he would be deemed to have been reverted, and as within the stipulated period of four months, no approval was granted by the Government, as per the terms of his

promotion, the petitioner was reverted to the post of Deputy Superintendent. The afore-referred condition, stipulated in the order dated 05.06.2008, neither was nor is challenged by the petitioner and once there is no challenge to the same, he, on account of his conduct and principles of estoppel, cannot claim promotion to the post of Superintendent w.e.f. 05.06.2008. His reversion was strictly as per the accepted terms contained therein and thus, the same cannot be faulted with.

It is true that through order 29.10.2009, persons junior to the petitioner were, on a regular basis, promoted to the posts of Superintendents with effect from the date of passing of the order, but that was an event which took place after the petitioner had retired from service on 31.03.2009. During the time when the petitioner was in service, no person junior to the petitioner has been shown to have been promoted.

In view of the above, no relief, as claimed by the petitioner, can be granted.

Dismissed.

No costs.

**( DEEPAK SIBAL )**  
**JUDGE**

**May 09, 2016**  
*monika*