

CWP No.24690 of 2013 (O&M)

#1# Manoj Kumar
2016.12.22 16:27
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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.24690 of 2013 (O&M)

Date of decision: 02.09.2016

Jagtar Singh

....Petitioner

Vs.

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Jasbir Singh, Advocate for the petitioner.

Mz. Puneet Kaur Sekhon, Addl.A.G, Punjab

for respondent No.1.

Mr. Ajaivir Singh, Advocate for respondent No.2.

Mr. R.K. Arora, Advocate for respondent No.4.

Jaswant Singh, J

Petitioner, who was working as Learner Binder in the Printing Press, Punjabi University, Patiala, has sought for issuance of a writ of Certiorari for quashing the order dated 23.10.2013 (P.17) promoting respondent No.4-Rajnish Kumar, Binder against the post of Senior Binder with further directions to respondent No.2 to consider his case for promotion as such with all consequential benefits w.e.f 23.10.2013.

Heard learned counsel for the parties and perused the paper book with their able assistance.

It is a matter of record now that respondent No.4-Rajnish Kumar has died during the pendency of the present writ petition on 29.5.2016 as per his Death Certificate (P.20), therefore, the cause of action no longer survives qua his promotion.

So far as consideration of the case of the petitioner for promotion to the post of Senior Binder is concerned, the same is not tenable in view of the Preliminary Objection raised in the reply

filed on behalf of respondent No.2 to the effect that qualification and experience required for promotion to the post of Senior Binder is Five years experience as Binder in the University Press along with practical test followed by the selection to be made through a Selection Committee. However, the petitioner has wrongly translated the document (Annexure P.2) thereby mentioning the qualification for promotion to the post of Senior Binder as five years experience as “**Learner Binder**” in the University Press instead of Binder having five years experience. The averments made by respondent No.2 in the Preliminary Objections have not been controverted by the petitioner by way of any replication and as such the same are deemed to be admitted.

Admittedly, the petitioner is working as Learner Binder and not as a Binder, therefore, he cannot claim promotion to the post of Senior Binder being not qualified, that apart, also upon concealment of facts, as aforesaid qua translation of **P.2**.

In view of the aforesaid, there is no merit in the present writ petition and the same is dismissed.

August 30, 2016
manoj

(JASWANT SINGH)
JUDGE