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

**CWP-19775-2009(O&M)
Date of Decision : 17.04.2017**

Vijender Singh

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Naresh Kumar, Advocate for
Mr. R.D.Yadav, Advocate
for the petitioner.

Mr. Ravi Partap Singh, AAG, Haryana.

AJAY TEWARI, J. (Oral)

By this petition the petitioner has claimed ante dated promotion.
with all consequential benefits w.e.f. 21.9.2007 from the post of JBT Teacher
to Sanskrit Teacher.

Brief facts of the case are that that the petitioner was appointed as
JBT Teacher and was promoted as Sanskrit Teacher on 2.03.2009 and claims
that she should have been promoted w.e.f 21.9.2007. In fact as a matter of
fact on 21.9.2007 the letter Annexure P-6 was written by the District
Education Officer, Rewari to Director School Education, Haryana by which
he had forwarded cases of 5 persons including the petitioner who were
eligible for promotion. In the written statements filed by respondents it has
been mentioned that when the 5 cases were pending for consideration some
colleagues of the petitioner filed civil suit in the Court of Addl. Civil Judge
Senior Division, Rewari claiming that they had right to be promoted and

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in view of that civil suit further cases of promotion were deferred. The civil suit was decided on 7.2.2008. Thereafter the cases were taken up and consequently promotion letters were issued. No replication has been filed. In the first place the date from which the promotion has been sought i.e 21.9.2007 was the date on which the only a proposal was sent by the DEO to the Director i.e. the competent authority. Further it is not the case of the petitioner that any person junior to him has been promoted before him. In the circumstances, the action of the respondent to stall the promotion process in view of the litigation cannot be set to have cause such prejudice to the petitioner has actionable claim.

Consequently, petition stands dismissed.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

April 17, 2017
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No