

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 10797 of 2015
Date of Decision: May 19, 2017

Hans Raj Janni

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Sat Narain Yadav, Advocate,
for the petitioner.

Mr. R.K. Doon, AAG, Haryana

P.B. Bajanthri, J. (Oral)

1. Petitioner has sought for directions to respondents to extend the scale attached to the post of Director of Prosecution from the date of his eligibility, namely, w.e.f. 01.06.2005 instead of 01.06.2006 for the purpose of pensionary benefits etc.
2. It is undisputed that petitioner while working as Additional Director of Prosecution, one Mr. Ram Singh Sehrawat was working as Director of Prosecution. He was due for retirement in the year 2005. He got extension of service. Thereafter, petitioner's name was considered for promotion to the post of Director of Prosecution w.e.f. 01.06.2006. In the light of above facts and circumstances, petitioner's grievance is that he is entitled for promotion to the post of Director of Prosecution w.e.f. 01.06.2005. The same has not been extended. Petitioner was promoted only on 01.06.2006 and thereafter, he attained the age of superannuation

and retired from service on 31.12.2011.

3. Learned counsel for the petitioner submitted that only for the purpose of monetary benefits, petitioner is entitled for alteration of date of his promotion to the post of Director of Prosecution from 01.06.2006 to 01.06.2005.

4. It is to be noted that petitioner has not questioned the validity of extension of service given to Mr. Ram Singh Sehrawat so as to claim promotion to the post of Director of Prosecution w.e.f. 01.06.2005. In the absence of challenge to extension of service given to Mr. Ram Singh Sehrawat, petitioner cannot ask for alteration of date of his promotion or entered into the cadre of Director of Prosecution from 01.06.2006 to that of 01.06.2005. That apart, there is delay and laches on the part of the petitioner in seeking relief insofar as alteration of date of entering in the cadre of Director of Prosecution from 01.06.2006 to 01.06.2005 which would be in violation of financial code for the reasons that Mr. Ram Singh Sehrawat who has been given extension, has been extended the benefits of pay attached to the post of Director of Prosecution during the period from 01.06.2005 to 01.06.2006 and petitioner cannot be given benefit of promotion to the post of Director of Prosecution. Thus, petitioner has not made out a case.

5. Accordingly, instant writ petition stands dismissed.

May 19, 2017
vkd

[P.B. Bajanthri]
Judge

Whether speaking / reasoned : Yes
Whether reportable : No