

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CWP No. 10188 of 2019

Date of Decision: May 29, 2019.

Janak Raj

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJAN GUPTA

Present: Mr. JPS Sidhu, Advocate
for the petitioner.

Rajan Gupta, J (Oral)

Petitioner was appointed as a contingent Dak Runner through Employment Exchange. He was promoted as Gauge Reader w.e.f. 9.8.1989. He sought promotion to the next higher post. However, his request was declined. He filed civil suit before the court of Additional Civil Judge (Sr.Div.), Mansa. Said suit was dismissed on 9.2.2018 as petitioner failed to prove that any person junior to him had been promoted. During the pendency of civil suit, SDO-Raj Kumar Verma appeared before the court and during his cross-examination, he specifically stated that case of the petitioner for promotion to Tar Babu/Signaler was recommended to the higher authorities but was returned with the remarks that promotion did not fall within the criteria. He further stated that training of the petitioner could not be completed as he was recalled after 67 days, Government having withdrawn the policy. He was relieved and sent to his parent department on 18.11.2006. The court accepted the stand and decided issue Nos. 1, 2 & 3 against the plaintiff (petitioner herein).

Petitioner filed appeal before Additional District Judge, Mansa but withdrew the same. Order reads as under:-

“Today, appellant has filed an application for withdrawal of present appeal. He has also made statement that he withdraws the present appeal at this stage. In view of statement so made by the appellant, the present appeal stands dismissed as withdrawn. Trial court record be sent back alongwith copy of this order. Appeal file be consigned to the record room.”

It has been urged before the court that petitioner withdrew the appeal as assurance was given by the Government that he would be promoted to the next higher post. This court finds the plea untenable. The order does not reflect that any such statement was made on behalf of State counsel. Besides, it is not clear as to how petitioner can re-agitate the issue by filing the writ petition before this court after having invoked the jurisdiction of civil court. It is evident that civil court had already adjudicated upon the matter. Maintainability of instant writ petition is highly doubtful. Besides, petitioner is due to superannuate soon. Petition is, thus, devoid of merit and is dismissed.

(Rajan Gupta)
Judge

May 29, 2019.

BB

Whether speaking/reasoned Yes/No
Whether reportable: Yes/No