

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

CWP No. 1176 of 2013

Date of Decision: 06.03.2019

Kaptan Singh and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR.JUSTICE RAJIV NARAIN RAINA

Present: Mr. Dharminder Singh, Advocate for
Mr. Ravinder Malik (Ravi), Advocate
for the petitioners.

Ms. Shruti Jain Goyal, DAG, Haryana.

Mr. D. R. Bansal, Advocate
for respondent No.3.

RAJIV NARAIN RAINA, J. (Oral)

No efforts have been made by the LR's, if any, of petitioner No.1 to get their name substituted for the deceased. This has been the position since 13.11.2017. Every time a prayer was made by learned counsel for the petitioner to bring the legal heirs of petitioner No.1 on record but no steps were taken. Again a request for an adjournment is made to do the needful.

Learned counsel for respondent No.3, sole private respondent, submits that 3rd respondent retired from service on 31.12.2014.

Learned State counsel points that the petitioners and

respondent No.3-Parveen Kumar belong to different sources under Rule 6 of the Haryana Service of Engineers, Group-B, Public Works Department (Irrigation Branch) Rules, 1970. In view of this revelation, permission to implead legal representatives of petitioner No.1 is declined as the cause of action has abated with the death of the petitioner No.1 in a claim for promotion. Even assuming that the 3rd respondent was promoted illegally, even then the petitioners can make no legitimate claim for promotion from the date when respondent No.3 was promoted as Sub Divisional Officer (SDO).

In view of this, the petition is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

06.03.2019

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