

222
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-21559-2018
Date of decision: 21.11.2019

Radhey Shyam

.....Petitioner

V/s.

Dakshin Haryana Bijli Vitran Nigam and others

.....Respondents

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Rajiv Godara, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Additional Advocate General, Haryana.

.....

Sanjay Kumar, J. (ORAL)

The prayer of the petitioner in this case reads as under:

'Civil writ petition under Articles 226/227 of the Constitution of India or issuance of an appropriate writ, order or direction, especially in the nature of Certiorari for quashing of impugned order dated 29.05.2018 (Annexure P-1) passed by respondent No.4 vide which representation dated 10.08.2016 (Annexure P-15), has been rejected.

Further prayer for issuing appropriate writ, order or direction in the nature of certiorari for quashing the impugned revised Ranking List dated 11.01.2012 for the year 2010-2011 (Annexure P-9) and promotion order dated 04.11.2012 (Annexure P-10) and 31.07.2012 (Annexure P-11) issued by respondent Nos. 2 to 4 respectively. Vide impugned promotion order dated 04.11.2012 (Annexure P-10) respondent No. 5 to 10 were promoted and vide order dated 31.07.2012 (Annexure P-11) the respondent No. 11 & 12 were

promoted. Respondents No. 5 to 12 were juniors to the petitioners, who have been promoted on the post of Junior Engineer from the post of Assistant Lineman, whereas petitioner is now working on the post of Lineman (W.E.F. 07.03.2018), because neither his name was included in ranking list (Annexure P-9) nor his name was considered for promotion and this fact has not been communicated to petitioner.

Further writ in the nature of Mandamus directing the respondents to promote the petitioner on the post of Junior Engineer from the date on which his juniors were promoted with all consequential benefits, particularly in arrears of pay and allowances from the date of promotion from which his juniors has been promoted to the post.

Further for issuance of any other appropriate writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of this case'.

While ordering notice of motion on 28.08.2018, this Court directed the authorities to pass appropriate orders by considering the claim of the petitioner for promotion as per his service book.

Mr. Hitesh Pandit, learned Additional Advocate General, Haryana, would inform this Court that pursuant to the aforestated order, the claim of the petitioner for promotion was considered and rejected, vide order dated 15.01.2019.

In the light of this development, the cause in this writ

petition, as framed, would no longer survive for consideration, as the petitioner has a fresh cause of action in relation to the Office Order No. 36/SE/HR dated 15.01.2019 passed by the Superintending Engineer, Human Resources, Dakshin Haryana Bijli Vitran Nigam, Hisar. Leaving it open to the petitioner to seek redressal of his grievance, if any, with this new office order, in accordance with law, the writ petition is dismissed.

No order as to costs.

(SANJAY KUMAR)
JUDGE

21.11.2019

rakesh

whether speaking/non speaking : Yes/no

whether reportable/non reportable : Yes/no