

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.29408 of 2017 (O&M)
Date of Decision.22.07.2019

Jai Bhagwan

...Petitioner

Vs

State of Haryana and others

..Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Baldev Singh Badhran, Advocate
for the petitioner.

Mr. Lokesh Sinhal, Advocate
for respondents No.3 and 4.

Mr. Abhishek K. Premi, Advocate for
Mr. Amit Jhanji, Advocate
for respondents No.5 and 6.

-.-

AMIT RAWAL J. (ORAL)

Prayer in writ petition is as follows:-

*“Civil Writ Petition under Article 226/227 of the
Constitution of India for issuance of writ in the nature of
certiorari/mandamus or any other appropriate
writ/order or direction for quashing the impugned order
of promotion order of respondent No.5 from Assistant
Draftsman/Head Draftsman/Circle Head Draftsman to
the post of Sub Divisional Engineer (Electrical)
Annexure P-9 dated 5.07.2011 and Annexure P-10 dated
20.11.2013.*

And

*Quash promotion orders of respondent No.6 from
Assistant Draftsman/Head Draftsman to the post of Sub-
Divisional Engineer (Electrical) Annexure P15 dated*

2.11.1995 and Annexure P-15A dated 11.01.1996.

And

Further to quash the orders of promotion of respondent No.6 to the post on the post of Executive Engineer (Annexure P-18 and P-19) in the Department of Haryana State Agriculture Marketing Board, being not qualified and not eligible for this post and also against the non sanctioned post, and also giving them current duty charge is contrary to the instruction issued by the department in the year 2005 and later on in 2016.

And/or

And to stay the operation of their impugned promotion to the post of Sub Divisional Engineer (Electrical) during the pendency of present writ petition as they are not eligible and qualified and the whole actions and orders passed by them will be void which clearly affects the administrative actions/financial actions taken by them during the period of their services;

And/Or

Issuance of a writ in the nature of mandamus directing the official respondents to promote the petitioner to the post of Sub Divisional Engineer (Electrical) in the department of Haryana State Agriculture Marketing Board, being fully and duly eligible for the above said post;

And/Or

Issue any other order or direction which this Hon'ble Court may deem fit and proper in the present facts and circumstances of the case.

Learned counsel for petitioner submitted that respondents No.5 was appointed as Tracer on 6.3.1981 and promoted to the post of Assistant Draftsman (Electrical) on 4.10.1991 and SDE (Electrical) on 5.7.2011 and respondent No.6 on 11.01.1996. They could not be promoted to the post of SDE ignoring the petitioner.

I am afraid aforementioned grievance of petitioner cannot be redressed in 2017 as it is hit by doctrine akin to delay and latches.

Dismissed.

(AMIT RAWAL)
JUDGE

July 22, 2019
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No