

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

110

CWP-10061-2020 (O&M)
Date of decision: 11.02.2021

PREM SINGH

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. NK Malhotra, Advocate for the applicant-petitioner.
Mr. Samarth Sagar, Addl. AG, Haryana.

ANIL KSHETARPAL, J. (Oral)

CM No.2134 of 2021

Application allowed.

Judgments are taken on record.

CWP-10061-2020

The petitioner retired from service on 31.01.2012. He, now, seeks promotion as Sub Divisional Officer which is stated to be due in the year 2011. It is not in dispute that the petitioner filed CWP No.15146 of 2016 which was disposed of with the following order:-

After arguing for some time, learned counsel prays for permission to withdraw this petition with liberty to pursue the representations.

Allowed as prayed for. Dismissed as withdrawn with the aforesaid liberty.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

Thereafter, the claim of the petitioner was rejected by the Department vide order dated 06.03.2017. The petitioner did not challenge the correctness of the aforesaid order and kept representing. Thereafter, once again, the claim of the petitioner has been rejected vide order dated 19.07.2019.

Pursuant to the notice of motion, respondents have filed reply and while taking a stand that no doubt the claim of the petitioner was considered for promotion, however, before approval from the competent authority could be received, the petitioner retired on attaining the age of superannuation. Hence, other officials were promoted on 17.02.2012 whereas since by then, the petitioner had retired, hence was not promoted.

Learned counsel for the petitioner contends that the delay in approval by the competent authority should not act against the petitioner. He submits that a meeting of the Departmental Promotion Committee was held but due to delay in approval, the petitioner has been deprived of the promotion.

This Court has considered the submission and find no merit therein. First of all, the claim of the petitioner was rejected on 06.03.2017. Present writ petition has been filed on 15.07.2020 i.e. after a delay of more than three years. Secondly, the petitioner did file a previous writ petition but withdrew the same. Obviously the Bench was not inclined to issue the writ. The petitioner after withdrawing the writ petition with liberty to file representation cannot file a fresh petition on same cause of action. Still further, in absence of rule providing for time bound promotion, the petitioner cannot claim that he has a right to promotion from a particular date. In view thereof, there is no ground to issue the writ.

Hence, dismissed.

11.02.2021

ashok

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No