

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP No.1649 of 2021 (O&M)

Decided on : 23.02.2021

Chanan Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present: Mr. Gurminder Singh, Sr. Advocate with
Mr. J.S. Gill, Advocate for the petitioner.

(The proceedings are being conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

CM-2321-CWP-2021

Application under Section 151 of CPC for placing on record translated copy of Annexure P-2 and Annexure P-8 and for exemption from filing the certified copies of the same has been filed on account of the fact that there were typographical errors in the earlier Annexures.

Accordingly, application is allowed subject to all just exceptions. Documents are taken on record. Office shall replace the earlier Annexures with the present Annexures.

CM stands disposed of.

Main case

The present writ petition has been filed under Article 226 of the Constitution of India for quashing of the order dated 21.06.2018 (Annexure P-13) whereby representation made for the grant of promotion to the post of Deputy District Mandi Officer from the due date, has been rejected by passing a totally illegal and arbitrary order.

Reference has been made to the instructions dated

23.11.1990 (Annexure P-18) by which punishment of withdrawal of increment with cumulative effect cannot be ground to deny the promotion to the petitioner, which was sole ground of non-consideration and for denial of promotion.

A perusal of the paper-book would go on to show that the petitioner was compulsory retired on 29.01.2015 and thereafter in pursuance of representation filed on 07.09.2017, 21.12.2017, an order has been passed on 21.06.2018 (Annexure P-13) which has now been impugned. A perusal of Annexure P-8 would also go on to show that petitioner's claim for promotion to the post of Deputy District Mandi Officer from the post of Secretary, was not recommended by the Departmental Promotion Committee on 18.06.2014 (Annexure P-8).

Accordingly, it is not a case which requires exercise of extraordinary writ jurisdiction. As noticed above, after passing of the order dated 18.06.2014, considerable time has gone by and the petitioner is also no longer in service. In such circumstances, no ground is made out as such for invoking the extraordinary writ jurisdiction of this Court. In such circumstances, this Court is of the opinion that the petitioner has an alternative and efficacious remedy to challenge the said orders and to seek any benefit of promotion before the Civil Court in the peculiar facts and circumstances.

Accordingly, writ petition is disposed of with the aforesaid liberty granted to the petitioner.

(G.S. SANDHAWALIA)
JUDGE

23.02.2021

Parveen

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No