

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

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IN VIRTUAL COURT

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**CWP No. 11903 of 2021
Date of decision : 17.11.2021**

Suresh Chander and others

.....Petitioners

Vs.

State of Haryana and another

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. G.K. Sharma, Advocate, for the petitioners

Rajbir Sehrawat, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ of mandamus, directing respondents to grant the promotions to the petitioners to the post of Principals, as per letter dated 19.7.2018 (Annexure P-1) and seniorlity list dated 5.4.2017 notionally, as the petitioners already retired from service. Further prayer of the petitioners is for issuance of directions to the respondents to decide the representation sent by them dated 5.2.2019 (Annexure P-2), 6.4.2019 (Annexure P-3) and 4.12.2019 (Annexure P-5) and pass a speaking order within a stipulated time.

It is submitted by counsel for the petitioners that the respondents had called for the cases for promotion to the post of Principals vide letter dated 19.7.2018. However, the petitioners were not granted promotion despite their case having been sent by the lower departmental authorities. Hence, the petitioners deserve to be promoted to the post of Principals.

Notice of motion.

Mr. Rajesh Gaur, Addl. AG, Haryana accepts notice on behalf of the respondents.

It is submitted by the counsel for the respondents that the letter dated 19.7.2018, upon which the case of the petitioners is based, was withdrawn just after two months of the same, on 19.9.2018. The process of consideration for promotion was dropped and no person, junior or senior to the petitioners, was promoted under the said letter. Hence, the petitioners does not have any cause of action.

Having considered the arguments of counsel for the parties, this Court does not find any substance in the claim of the petitioners. The counsel for the petitioners has not referred to any rule vide which the respondent department is under legal duty to consider the petitioners for promotion with effect from any particular date or within a particular time period. In absence of any such rule, it is the discretion of the competent authority whether to carry out the promotions at any particular time or not. At the same time, counsel for the respondents has pointed out that the letter under which the proposal for consideration for promotion was mooted, already stands withdrawn and no person, junior or senior to the petitioners, was promoted. Hence, the petitioners do not have any legal right to get promotion merely because of issuance of the letter dated 19.7.2018.

In view of the above, finding no merit in the petition, the same is dismissed.

(RAJBIR SEHRAWAT)
JUDGE

17.11.2021

Ashwani

Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No