

CWP-151-2022

Date of Decision: 02.04.2022

VIRENDER SINGH

..... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Karan Singh, Advocate
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

LISA GILL, J.

This writ petition has been filed by the petitioner for issuance of direction to the respondents to promote the petitioner to the post of Senior Lecturer in Electronics and Communication Engineering from the date when he became eligible alongwith all consequential benefits as are stated to have been granted to similarly situated Lecturer namely Mr. Gian Chand Sharma.

It is pleaded that petitioner was appointed on the post of Lecturer, Electronics and Communication Engineering in September, 2008 and his case for promotion to the post of Senior Lecturer was recommended by the Principal, Government Polytechnic Education Society, Uttawar (Palwal), vide memo dated 24.08.2016, Annexure P-2. It is further averred that one Mr. Gian Chand Sharma, Lecturer in Commercial Practice and Stenograph, working in the same polytechnic college, was promoted while the petitioner was ignored. Case of one Smt. Meenu Kumari, working in the same establishment as Lecturer, it is stated, was recommended on 19.07.2018 for grant of *ad hoc* promotion as Senior Lecturer. After submitting various representations, petitioner also served a legal notice dated 28.12.2020, Annexure P-7, but to no avail, therefore present writ petition has

been filed.

Heard learned counsel for the petitioner.

It is a matter of record that petitioner earlier filed CWP No.21691 of 2021 for identical relief. File of said writ petition has been called for and perused. Prayer therein reads as under:-

“Civil writ petition under Article 226 of the Constitution of India for the issuance of appropriate writ, order or direction in the nature of Mandamus directing the respondents to consider and grant promotion to the petitioner as Senior Lecturer from due date with all consequential benefits.

AND

Any other writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the instant case may also kindly be issued.”

Present petitioner in the abovesaid writ petition had cited the example of Mr. Gian Chand Sharma as in this writ petition while raising identical pleas. Said writ petition was however dismissed as withdrawn on 22.12.2020, with the following order being passed:-

“Learned counsel for the petitioner, after arguing for some time, prays for permission to withdraw the writ petition.

Ordered accordingly.”

Learned counsel for the petitioner is unable to substantiate as to how the present writ petition is maintainable in the given factual matrix, with the petitioner's first writ petition on the same cause of action being dismissed as withdrawn without any liberty to file afresh being afforded to the petitioner.

This writ petition is accordingly dismissed being not maintainable. It is clarified that there is no expression of opinion on the merits of the matter.

02.04.2022

Sunil

**(LISA GILL)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No