

CWP-1412-2022
Date of Decision: 09.02.2022

NARESH KUMAR GOEL

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Nitin Jain, Advocate
for the petitioner.

Ms.Kirti Singh, D.A.G., Haryana.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

Petition herein, under Articles 226/227 of Constitution of India is for issuance of a writ in the nature of *certiorari* for setting aside the impugned order dated 03.01.2022 (Annexure P-9) passed by the respondents promoting the candidates junior to the petitioner to the post of Superintendent Jails (Group-A).

2. Learned counsel for the petitioner submits that the petitioner joined his service in Department of Prisons, Haryana on 12.09.2003. Thereafter, vide order dated 22.02.2010, he was promoted to the post of Deputy Superintendent Jails, Department of Prisons, Haryana but his claim for promotion to the post of Superintendent Jails has been ignored and instead, his junior i.e. respondent No.5 has been promoted on the ground that certain enquiries were pending against the petitioner.

3. Heard.

4. Concededly, certain departmental proceedings are pending against the petitioner, which *inter alia* seems to be the reason for not promoting him to the post of Superintendent Jails, while private respondent No.5, who is junior to him, has been promoted.

5. Given the nature of order being passed, there is no necessity to seek return from any of the respondents as no further proceedings and/or pleadings are required.

6. No doubt, when a junior gets promoted, it creates certain heart burn amongst the seniors unless there are valid reasons for not promoting the senior before according the similar benefit to the junior. This Court would refrain to interfere in such justifiable situation. Promotion by a government officer/official cannot be claimed as a matter of right. It is to be granted based on the performance parameters determined by the State.

7. In the premise, since the departmental proceedings are still pending, as more particularly mentioned in para No.4 of the petition, the writ petition is disposed of with the expectation that the respondents shall finally adjudicate the same as expeditiously as possible but not later than one year from now since the same have already been pending for almost five years.

8. Disposed of accordingly.

February 09, 2022
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No