

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

CWP-10354-1995 (O&M)

Date of decision: April 25, 2022

Vijay Singh and others

.....Petitioners

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Vijay Pal, Advocate,
For the petitioners.

Mr. Deepak Bhardwaj, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1995, *inter alia*, for issuance of a writ in the nature of Mandamus directing the respondents to consider the case of the petitioners for promotion to the post of Carpenter.

2. Petition was admitted on 04.11.1996.

3. When called out for hearing on 31.03.2022, following order was passed:-

“Being a seniority dispute, it does appear that the claim of the petitioners has become stale as the petition was filed almost quarter of a century ago.

Learned counsel for the petitioner seeks time to get instructions.

At his request, adjourned to 25.04.2022.

A photocopy of this order be placed on the connected case file.”

4. Learned counsel for the petitioners submits that during pendency of the writ petition, some of the petitioners have retired while others expired. He pleads lack of instructions. It seems that by sheer effluxion of time and pendency of the writ petition for more than 26 years before this Court, either it

has been rendered infructuous or even otherwise the petitioners seem to have lost interest in pursuing the same.

5. In any case, it appears that even on merits, claim of the petitioners is not admissible in view of the stand taken in Paras-3 and 5 of the reply filed by respondents No.1 and 2.

6. The stand of the respondents and factual assertions of reply remain uncontroverted as neither replication nor any additional affidavit has been filed by the petitioners.

7. Perusal of the gradation list contained at Annexure P-5 would reveal that name of petitioner No.1 is at Sr. No.50 and that of petitioner No.2 at Sr. No.36. Concededly, both of them were promoted as Assistant Carpenter. However, respondents No.3 and 4 on the other hand were initially appointed as Helper Carpenter on daily wages, but later on they were appointed as Carpenter some time in July, 1985.

8. Feeling aggrieved qua their non-regularization, respondents No.3 and 4 preferred a writ petition before this Court bearing CWP-6838-1987 which was allowed along with another writ petition bearing CWP-4743-1986 vide order dated 17.02.1988. Respondents were directed by High Court to regularize the services of respondents No.3 and 4 on the same very post on which they were working i.e. Carpenter.

9. In the premise, services of respondent No.3 and 4 came to be regularized on the post of Carpenter owing to the directions of the Court.

10. In this backdrop, the petitioners also served a notice on the department to consider them for promotion on the post of Carpenter which did not yield any result leading to filing of civil suit in Court of Additional Senior Sub Judge, Jind at the relevant time. The said civil suit was dismissed on 04.06.1992. In view thereof, even otherwise claim of the petitioners cannot be entertained by way of instant writ petition.

11. No grounds are made out to interfere. Dismissed.

(ARUN MONGA)
JUDGE

April 25, 2022
vandana

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No