

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

CWP-2311-1993

Date of decision : May 25, 2022

Shiv Narain Singh

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: None for the petitioner.

Mr. Sandeep Singh Mann, Addl.AG, Haryana.

LISA GILL, J.

Prayer in this writ petition is for setting aside order dated 10.08.1990 and for issuance of a direction to the respondents to prepare the seniority list of JBT teachers afresh and to promote the petitioner as Head Master w.e.f. 08.04.1987 i.e. the date of up-gradation of posts of Head Teachers of Primary Schools. Vide order dated 10.08.1990, petitioner's representation was decided in compliance of order passed in CWP-4749-1989 earlier filed by the petitioner.

Petitioner was aggrieved of not being promoted to the post of Head Teacher. He claimed himself to be the senior most JBT Teacher being appointed on 02.11.1954. Seniority list of Mahendergarh, it is stated, has not been prepared in a proper manner. As per impugned order dated 10.08.1990, Government did not promote any teacher of District Mahendergarh. Seniority list of JBT Teachers of District Mahendergarh was subject matter of challenge in civil suits filed by other employees wherein seniority list of District Mahendergarh

was quashed by the then learned Senior Sub Judge First Class, Narnaul in the case of **Harikishan and others versus State of Haryana**. In this regard, there is a reference to litigation i.e. RSA-711-1989 which it is informed was decided on 31.03.1994. Copy of order dated 31.03.1994 in RSA-711-1989 is attached with this file.

None had appeared on behalf of the petitioner when this matter was taken up for hearing, despite learned counsel for the petitioner being notified.

Notice was issued to the petitioner, which was received back unserved.

Learned counsel for the State, on instructions from Mr.Vijay Yadav, Legal Assistant, Department of Elementary Education, had informed on 26.04.2022 that the petitioner has since passed away. However, no details of any legal representatives were available.

Despite further opportunities, no information regarding any legal representatives of the petitioner is coming forth neither has any application been filed by the legal representatives to continue the proceedings. Keeping in view the facts and circumstances of the case, continuance of present proceedings are not justified.

This writ petition is, accordingly, dismissed in default. It is directed that respondent No. 2 shall ensure that a copy of this order is communicated to legal representatives if any of the petitioner as may be available on record of the department within four weeks of receipt of certified copy of this order.

May 25, 2022

(LISA GILL)
JUDGE

rts