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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-10698-2000 (O&M)
Date of decision: May 24, 2022

Raghubir Singh

…..Petitioner

versus

State of Haryana and others

……..Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.D. Sharma, DAG Haryana.

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ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari seeking to quash impugned order dated 04.08.2000 (Annexure P-13) passed by respondent No.2 whereby the petitioner was reverted from the post of Deputy Superintendent to the post of Assistant. Further a writ in the nature of Mandamus has been sought seeking directions to the respondents to consider the petitioner for promotion from the date his junior namely Nihal Singh was promoted as Deputy Superintendent.

2. Petition was admitted for hearing on 30.05.2002.

3. When taken up for final adjudication, there is no representation on behalf of the petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 21 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

4. In any case, from perusal of record/pleadings, it appears that even on merits, claim of the petitioner is not admissible. Reference may in particular be had

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to the stand taken in Para-2 of the Preliminary Objections of the reply filed by respondents No.1 to 3.

5. Qua the claim of the petitioner that he is senior to one Sh. Nihal Singh, it appears that same is not true. It is borne out that Shri Nihal Singh was appointed as Clerk on 28.9.66 whereas the petitioner was appointed as Clerk on 17.6.69. Accordingly, Shri Nihal Singh was promoted as Sub Divisional Clerk on 10.1.72 whereas the petitioner was promoted as Sub Divisional Clerk on 5.5.72. Shri Nihal Singh was promoted as Assistant w.e.f. 30.6.78 whereas the petitioner promoted to the post of Assistant w.e.f. 20.1.79, and petitioner could not be promoted to the post of Deputy Superintendent before promoting Sh. Nihal Singh.

6. Furthermore, it transpires that junior whose promotion is under challenge and stated to have been promoted by ignoring the right of the petitioner, has not even been impleaded in the writ petition. In any case, said junior who had retired during pendency of the writ proceedings as the petitioner himself is stated to be around 78 years old, no useful purpose would be served to issue him notice, at this stage.

7. Learned State counsel has canvassed arguments on similar lines as per the defense taken in written statement.

8. I am in agreement with the stand taken by the respondents. Neither any replication has been filed to the afore-noted stand of the respondents nor any additional affidavit of any kind to controvert the same.

9. In view of the aforesaid, no grounds are made out to interfere.

10. Dismissed.

(ARUN MONGA)
JUDGE

May 24, 2022
mahavir
Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No

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