

309 2nd case

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-147-1996 (O&M)

Date of decision: April 25, 2022

Ram Chander 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 1996, *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 posts of Black Smith with effect from the date when their juniors, i.e. respondents No.3 to 6, have been promoted.

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 25 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, 4 and 6 of the reply filed on behalf of 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 reply would reveal that concededly, petitioners were promoted as Assistant Blacksmith vide order dated 14.08.1985 on purely temporary basis and respondent Nos.3 to 6 were not in service at that time. Respondents No.3 to 6 were appointed on daily wages as Assistant Carpenter w.e.f. 16.01.85, Welder w.e.f. 01.07.86 and Blacksmith w.e.f. 16.03.85 respectively. Thereafter, respondents No.3 to 6 filed a civil writ petition for regularization of their services. Respondents were directed by High Court to regularize their services on the same very post on which they were working.

8. In the premise, services of respondents No.3 to 6 came to be regularized on their respective posts owing to the directions of the Court. The posts were created by the Government under rules against which respondents No.3 to 6 were appointed and the seniors of respondents No.3 to 6 were fixed according to post and trades. Petitioners are not senior to respondents No.3 to 6.

9. In this backdrop, the petitioners also served a notice on the department to consider them for promotion which did not yield any result leading to filing of civil suit No.403 which was dismissed on 04.06.1992. In view thereof, even otherwise claim of the petitioners cannot be entertained by way of instant writ petition.

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

(ARUN MONGA)
JUDGE

April 25, 2022
vandana

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No