

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

CWP-12908-1998 (O&M)
Date of Decision: 04.05.2022

RAMESHWAR DASS AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : None for the petitioners.

Mr. Rajesh Gaur, Addl. A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1998, *inter alia*, for issuance of a writ in the nature of *certiorari/prohibition/mandamus* to quash the impugned order dated 02.07.1998 (Annexure P-7), whereby all Class IV posts including that of Lab Attendants/Lab Assistants were sought to be filled up by way of direct recruitment through Employment Exchange instead of by way of promotion. Further prayer has been made for issuance of direction to respondents to promote the petitioners as Laboratory Attendants with effect from the date they have become entitled, in terms of policy circular dated 08.02.1993 (Annexure P-1).

2. Petition was admitted on 16.08.2001.

3. When called out for hearing, there is no representation on behalf of the petitioners. It seems that by sheer effluxion of time and pendency of the writ petition for more than 23 years before this Court, it has been rendered infructuous and the petitioners seem to have lost interest in pursuing the same.

4. In any case, it appears that even on merits, claim of the petitioners is not admissible in view of the following stand taken in para-1 of the preliminary objections of the written statement filed on behalf of respondents No.1 to 3, which is reproduced herein for ready reference:

“That as per instructions of the Director Secondary Education, Haryana, Chandigarh vide No.13/72-91ME(5) dated 10.4.96, the promotion case of Class IVth employees working in the different institutions/offices of this District were to be considered at Distt. Level as per seniority of these IVth class employees maintained at District level. At present only 16 posts of L.A’s were lying vacant in the Distt. Therefore, answering respondents vide Memo No.E-5-98/832-1020 dt. 2.7.98, the promotion cases of such eligible IVth class employees working in the different institutions/offices in the District who have been appointed upto 31.12.90 keeping in view the available vacancies of L.A’s in the District at present were invited. There were 20 cases of promotion as L.A. where as only 16 vacancies were available. In the first instance, the promotion cases of such IVth class employees were to be considered who have been appointed upto 31.12.90. The promotion cases of IVth class employees working in the different Govt. institutions appointed after 31.12.90 were to be considered later on, on the availability of vacant posts of L.A’s. But now the Posts of L.A’s have been upgraded and have become of ‘C’ Group employees and it is also pertinent to mention that there is a ban of the appointment/promotion against the post of L.A’s as per instructions. Therefore, no legal rights of the petitioners have been infringed which could entitle them to invoke the extra-ordinary writ jurisdiction in this Hon’ble High Court and hence is liable to be dismissed.”

5. The above stand taken in the written statement remains uncontroverted since neither replication nor any additional affidavit has been filed.

6. In the premise, writ petition stands dismissed.

May 04, 2022
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No