

Sr. No.693

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP-16807-2000 (O&M)
Date of decision: 24.05.2022

Subhash Chand

...Petitioner

Vs.

State of Haryana and others

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. N.C.Kinra, Advocate for
Mr. Harsh Kinra, Advocate,
For the petitioner.

Mr. R.D.Sharma, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of mandamus directing the respondents to consider the petitioner for promotion to the post of Road Inspector.

2. Petition was filed in the year 2000 and has been lying admitted ever since. When called out for hearing, learned counsel is unable to assist the Court for lack of instructions. Learned counsel for the petitioner states that despite attempts, his office could not contact the petitioner.

3. 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, it appears that even on merits, claim of the petitioner is not admissible in view of the following stand taken in para 7 (ii) of the reply, which is reproduced herein below for ready reference:-

“7 (ii) That contents of sub para ii are correct to the extent that some promotions as per order of the Civil Court were made. The contention regarding letter by Distt. Attorney & Legal Remembrancer Haryana is irrelevant as these are deptt. correspondence and cannot

be the basis of right. Rambir Work Inspector filed a Civil suit claiming promotion for Road Inspector as a Backward Class. The said suit was decreed by the Court of Sh. R.S. Chaudhary, Addl. Civil Judge, Senior Division, Rohtak vide the Judgement and Decree dated 25.5.98. The appeal against the decree failed and now R.S.A. No.3611/2000 against the decree/judgement of Appellate Court of Sh. M.S.Sullar Additional Distt. Judge, Rohtak dated 6.4.99 is pending before this Hon'ble High Court. Another Civil suit regarding promotion of Road Inspector was filed by Subhash Chander Work Inspector wherein promotion as Road Inspector was claimed being senior to Sh. Suraj Bhan Deswal was decreed holding Subhash entitled to be considered for promotion as Road Inspector being senior to Suraj Bhan Deswal who had been promoted as Road Inspector from Work Inspector. The Court of Smt. Salini Singh, Civil Judge (Jr. Division), Rohtak vide Judgement dated 7.3.2000 decreed the suit. The said judgement decree on appeal by the State was set aside by the Court of Sh. R.S.Madan, Distt. Judge, Rohtak vide Judgement and Decree dated 30.8.2000. In view of the Judgement and Decree dated 30.8.2000 passed by the Court of Distt. Judge, Rohtak Suraj Bhan Deswal and Subhash were reverted, against the said judgement and decree of Sh. R.S.Madan, Distt. Judge, Rohtak R.S.A. No.3793/2000 and 3797/2000 have been filed by Suraj Bhan Deswal and Subhash respectively. The said RSAs are pending before this Hon'ble High Court."

5. A Perusal of the aforesaid reveals that petitioner has already opted for his substantive remedy by way of filing an independent civil suit seeking the relief of promotion as Road Inspector. Said claim was decreed in his favour and first appeal filed against the same was also dismissed, however, RSA No.3797 of 2000 is subjudice before this Court.

6. In the premise, petitioner cannot opt for parallel remedy seeking similar relief through the present writ petition. Accordingly, no grounds are made out to interfere. Dismissed.

24.05.2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No