

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

CWP-17539-2000 (O&M)

Date of decision: May 25, 2022

Ved Parkash Godara

.....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.

Mr. R.K. Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate,
Mr. D.S. Mann, Advocate for respondent No.4.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 2000, *inter alia*, for issuance of a writ in the nature of Certiorari for quashing promotion order of Sh. Raj Karan, Computer to the post of Statistical Assistant issued by the Director, Animal Husbandry (respondent No.2) as per orders dated 30.06.1999 (Annexure P-2) as the same are illegal, unjust, arbitrary violating the Rules/ instructions of promotion by quota and denying the promotion of petitioner, who has been performing and discharging the duties of statistical assistant since July 1991, fulfilling all conditions.

2. Petition was admitted for hearing on 29.10.2002.

3. When taken up for final adjudication, after around 21 years, there is no representation on behalf of the petitioner. In the premise, no useful purpose would be served to issue fresh notice to the petitioner as the same too

would be an exercise in futile. Even the address of the petitioner is also perhaps not complete as is borne out from the memo of parties.

4. 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.

5. In course of hearing, it transpires that during pendency of the writ proceedings, petitioner has superannuated.

6. In any case, it appears that even on merits, claim of the petitioner is not admissible. Reference may in particular be had to stand taken in Paras- 2 to 4 of Preliminary Submissions/ Objections of the reply filed by respondents No.1 to 3.

7. Haryana Govt. Class III Rules envisage that post of Statistical Assistant be filled up as under:-

“50% by Direct Recruitment

50% By promotion: 7.5% by promotion from amongst Computers and 42.5% from amongst Progress Assistants.”

Qualifications of the post of Statistical Assistant as per Govt.

Class III Rules dated Sep., 22, 1999 are as below:-

“I) For Direct Recruitment

(i) Master degree in economic or Mathematics or Agricultural Economic with Statistics as one of the papers or Master degree in Statistics.

(ii) One year experience in collection, compilation and analysis of statistics data in any Government office or any recognized institution.

(iii) Knowledge of Hindi upto Matric standard:

OR

(i) Graduate with Economics or Mathematics with Statistics as one of the elective subject;

(ii) *Three years experience in collection, compilation and analysis of statistics data in any Government offices or any recognized institution.*

(iii) *Knowledge of Hindi upto Matric standard.*

ii) *for promotions:*

(I) *10 years experience as Computer or Progress Assistant in collection/ compilation and analysis of Statistics data;*

(ii) *Knowledge of Hindi upto Matric standard.”*

No violation of any kind is borne out from the record appended with the writ petition deserving any judicial intervention from this Court. On the contrary, the Department has filled up the posts in accordance with the above applicable Rules inasmuch as 11 posts of Statistical Assistants by promotion were available out of which 2 were filled up from amongst Computer (name of the post) as per quota policy of Class-III Rules and 5 more Progress Assistants despite being more senior to the petitioner were also awaiting their promotion on the post of Statistical Assistants and in the premise, petitioner could not have been permitted to steal a march over them. As regards promotion of respondent No.4, he too was promoted as Statistical Assistant as per applicable Rules and keeping in mind the ratio of 1.65 *qua* Computers and 9.35 *qua* Progress Assistants to be applied on the available 11 posts of Statistical Assistants. No irregularity of any kind has been pointed out in the aforesaid ratio and the application of the Rules. Thus, no grounds to interfere are made out.

8. Learned State counsel has canvassed arguments on the similar lines as the stand taken in the aforesaid written statement.

9. I am in agreement with the stand taken by the respondents as aforesaid. 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.

10. In view of the aforesaid, no grounds are made out to interfere.
11. Dismissed.

(ARUN MONGA)
JUDGE

May 25, 2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No