

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

CWP-5733-2021 (O&M)

Date of decision: April 25, 2022

Sukhbir Singh

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Gunjan Mehta, Advocate the petitioner.

Ms. Palika Monga, DAG Haryana.

ARUN MONGA, J. (ORAL)

CM-18701-CWP-2021

No grounds to interfere are made out.

Dismissed.

Main case (O&M)

Petition hereinis for issuance of an appropriate writ petition in the nature of Mandamus or otherwise commanding the respondents to consider and promote the petitioner to the post of Director, Prosecution, Haryana in view of notification dated 15.06.2018 (Annexure P-3) *inter alia* claiming that the said notification provides that next eligible officer working on the feeder post has to be considered for promotion to the post of Head of the Department and the petitioner being the senior most amongst the Additional Directors, as per gradation list dated 01.09.2015 (Annexure P-1) deserves to be considered in accordance thereof.

2. It transpires that during pendency of the writ petition, much water has passed under the bridge, inasmuch as, an amendment has been made in the Haryana State Prosecution Department Legal Service (Group-A) Rules, 2013 vide notification dated 25.02.2022. Pursuant thereto, the State Government has referred the matter with recommendation of the names of the eligible officers for promotion to the post of the Director, Prosecution (General). In the process, while making the recommendation, the name of the petitioner was not considered since he was not found in the zone of consideration, and therefore, having been found unfit for promotion, his name has not been recommended.

3. In course of hearing, learned State counsel has placed on record an office order dated 22.04.2022, which is taken on record and marked as Annexure 'A' (Copy has been supplied to the counsel opposite) passed by Additional Chief Secretary to Government, Haryana, Administration of Justice Department addressed to the learned Advocate General, Haryana, wherein, it is stated that the aforesaid amendment dated 25.02.2022 is pending in the office of the learned Chief Justice of this Court for seeking concurrence/ approval of sub section (2) of Section 25A of the Code of Criminal Procedure, 1973 read with Section 24(7) and 24(9) of the Act *ibid*. The said concurrence/ approval is still awaited.

4. Be that as it may, proceedings before this Court are rendered infructuous in view of the aforesaid, with liberty to the petitioner to seek appropriate remedy against non-recommendation of his name for the promotion in question, if so advised. Disposed of accordingly.

Pending applications, if any, are also disposed of including CM-6418-CWP-2021 as no further grounds to interfere in the same.

(ARUN MONGA)
JUDGE

April 25, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No