

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

CWP-17012-2001 (O&M)

Date of decision: August 31, 2022

Sh. R.P. Setia,

.....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.

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 as having been promoted/absorbed as Executive-Engineer in the Directorate of Urban Development, Govt. of Haryana w.e.f 18.04.1994 with all consequential reliefs.

2. Petition was admitted for hearing in the year 2002.
3. It seems that by sheer effluxion of time and pendency of the writ petition for more than 20 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, from a perusal of record/pleadings, it appears that even on merits, claim of the petitioner is not admissible.

Reference may be had in particular to the stand taken in Paras- 1, 2

and 3, of the preliminary objections of written statement filed on behalf of respondent No.4 and the same reads as under:-

“1. That the petitioner has not sought any relief from answering respondent. Therefore, the answering respondent is not a necessary party. The writ petition of the petitioner qua answering respondent is liable to be dismissed on the ground of mis-joinder of the respondents.

2. That the petitioner through out his service served other than the answering respondent. He was transferred vide P/11 dated 30.10.2001 and submitted his arrival report on 30.10.2001 afternoon. Vide P/11 itself it was made clear that the petitioner is to retire on 31.10.2001 afternoon on attaining the age of superannuation. Therefore, the petitioner served the answering respondent only for one day i.e. 31.10.2001 that too he submitted arrival report and departure report only without doing any work.

3. That the petitioner is aggrieved by his non promotion and the answering respondent has nothing to do with his promotion or non-promotion. It is for the competent authority i.e. respondent no.1 and 2 to consider his promotion to the next post.”

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

6. I am in agreement with the stand taken by the respondents. 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.

7. In the overall premise, I see no irregularity of any kind committed by the Department as to warrant any judicial intervention of this Court.

8. In view of the aforesaid, no grounds are made out to interfere.

9. Dismissed.

(ARUN MONGA)
JUDGE

August 31, 2022
monika

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No