

Sr. No.346

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

CWP-3128-1997

Date of decision: 19.04.2022

Chander Kumar

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Harshvardhan Ranga, Advocate,
for the petitioner.

Mr. R.K.S. Brar, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1997, *inter alia*, seeking issuance of a writ in the nature of mandamus directing the respondents to grant the benefit of reservation to the petitioner for promotion to the post of Deputy Superintendent from the due date with all consequential benefits.

Petition was admitted on 05.03.1997.

Learned counsel appearing on behalf of the petitioner submits that he is not in contact with the petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 25 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

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 2 and 3 of the reply in preliminary objections, which is reproduced herein for ready reference:-

“2. That even assuming through not admitting that despite the Government policy letter dated 4.5.94 (R-II) the reservation benefit is available for promotion even if there is a single sanctioned post in a cadre, still the petitioner is not entitled to get it under the quota reserved for the Scheduled castes category. This is because the petitioner is claiming to

possess a Scheduled caste Certificate dated 24.1.75 (Annexure R-III) of Punjab State domicile. As per the Haryana Government policy instruction dated 20.1.72 (Annexure R-IV) read with instructions dated 15.9.72 (Annexure-V), the benefit of reservation under the States reservation policy is to be given only to those persons belonging to the Scheduled castes and Backward classes who are domiciles of Haryana State and not to these who belong to other states. Therefore, the petitioner is not entitled to any benefit of reservation in Haryana State as a Scheduled caste belonging to the Punjab State.

3. *That even otherwise, the petitioner does not possess the prescribed 8 years experience for promotion to the post of Deputy Superintendent (earlier called Head Assistant) as held down in Rule 9(a) of the Haryana Mines & Geology, Department (State Services Group C Hqs. Rules, 1996 proposed) which are reproduced as under:-*

9(a) In the case of Deputy Superintendent:

(i) by promotion from amongst Assistant, Legal Assistant and Senior Scale Stenographers having 8 years service as such;

(ii) by transfer or on deputation of an official already in the Service of any State Government or the Government of India;

Since the petitioner Sh. Chander Kumar, was admittedly promoted as Assistant with effect from 1.2.1990, he would complete 8 years service as Assistant only on 1.2.1988. Hence he was not eligible for promotion as Dy. Superintendent on the date i.e. 18.2.1997 of the impugned order (Annexure P-4) promoting the Respondent No.3 (Senior to the petitioner) to the post of Dy. Supdt. Hence the petitioner has no locus standi or cause of action to challenge the promotion order dated 18.2.97 (P-4)."

No replication has been filed to the aforesaid stand taken in the written statement.

In the premise, the above stand since remains uncontroverted.

No grounds are made out to interfere. Dismissed.

19.04.2022

vandana

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No