

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

CWP-2708-1998 (O&M)

Date of decision: April 27, 2022

Ramesh Kumar

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. Rajesh Gaur, Additional AG Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1998, *inter alia*, for issuance of a writ in the nature of Certiorari whereby the appointments of Respondents No.4 to 8 be quashed. Further prayer has been made to issue a writ in the nature of Mandamus directing the respondents to consider and appoint the petitioner as Lab Attendant with effect from the date of first appointment given to Ramesh Chander in the School of the petitioner.

2. Petition was admitted on 26.02.1998.

3. When called out for hearing, there is no representation on behalf of the petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 23 years before this Court, it has been rendered infructuous and 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 the preliminary objection in the reply, which is reproduced herein for ready reference:-

“That the petitioner has been working in GGSSS Bhainswal Kalan since 22.5.92. The school was upgraded to the level of 10+2

in the year 10/94. At that time there was a ban on the promotion and appointment of L.A's. As per instruction of Director Secondary Education, Haryana, Chandigarh dated 10.4.96; (A copy of the instruction dt. 10.4.96 is attached as Annexure R-I and its true translation R-I/T) The Seniority list of the class fourth employees working in this District was maintained and as per seniority of the IVth Class employee, the promotion orders of the eligible candidates were released. Being junior in seniority list at Distt. Level, the petitioner was not eligible for promotion. Now the posts of L.A.'s have been upgraded and become of 'C' group employee and it is also pertinent to mention here that there is a ban on the appointment/ promotion against the post of L.A.'s. Therefore, no legal right of the petitioner has been infringed which could entitle him to invoke the extra ordinary writ-jurisdiction in this Hon'ble High Court. Therefore, the present Civil Writ Petition is liable to be dismissed."

5. The above stand taken in the written statement remains uncontroverted since neither replication and/ or any further affidavit has been filed.

6. In the premise, petition stands dismissed.

(ARUN MONGA)
JUDGE

April 27, 2022
vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No