

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

CWP-3201-1998 (O&M)

Date of decision: April 27, 2022

Khazan Singh

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate 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 quashing the impugned action of respondent No.1 by which the junior to the petitioner i.e., respondent No.2 has been promoted as Sub Divisional Engineer; with a further direction to respondent No.1 to consider claim of the petitioner for promotion as Sub Divisional Engineer from the date respondent No.2 has been promoted as such and the petitioner be granted all the consequential benefits.

2. Petition was admitted on 16.09.2003.

3. When called out for hearing, learned counsel is unable to assist the Court for lack of instructions. Learned counsel for the petitioner states that despite attempts, his office could not contact 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 Para-1 of the preliminary submissions in the reply, which is reproduced herein for ready reference:

“1. That on the basis of service record the petitioner was found unsuitable for promotion as Sub Divisional Engineer due to following facts: -

During his career of service as Junior Engineer, following adverse remarks exists in his Annual confidential Reports about his reputation for honesty:

<i>Period</i>	<i>Adverse remarks about reputation for honesty.</i>
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- | | |
|-----------------------------|--|
| <i>a) 1.4.85 to 31.3.86</i> | <i>Does not enjoy good reputation</i> |
| <i>b) 1.4.86 to 28.7.86</i> | <i>Not good.</i> |
| <i>c) 8/86 to 1/87</i> | <i>No complaint, but doubtful due to stock being improper.</i> |

In addition to above, following punishments have also been inflicted upon the petitioner: -

- | | |
|---|---|
| <i>d) Orders dated 9.5.89 -</i> | <i>Recorded warning</i> |
| <i>e) Order No.65 dated 3.8.89.</i> | <i>Stoppage of one grade increment with future effect besides recovery of Rs.13195.75</i> |
| <i>f) Orders No.26 dated 29.4.91. –</i> | <i>Stoppage of one grade increment with future effect besides recovery of Rs.33208/-</i> |

On the basis of integrity and several punishments orders in the service record of the petitioner, the competent authority did not found him suitable for promotion to the post of Sub Divisional Engineer on adhoc basis. The petitioner has concealed full facts of his entire service record which were very well in the knowledge of the petitioner and has given distorted facts in his writ. Thus, the petition is liable to be dismissed on this score alone.”

5. The above stand taken in the written statement remains uncontroverted since neither replication nor any additional 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