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

**CWP NO.5433 OF 1998 (O&M)
DATE OF DECISION : 14.07.2022**

Mohinder Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Rajesh Malik, Advocate
for the petitioner.

Mr. R. D. Sharma, D.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seek issuance of a writ in the nature of certiorari to quash impugned order dated 05.09.1997 (Annexure P-4) whereby his junior Sh. Rajbir Singh (respondent No.3) had been promoted as Assistant before him, and to direct the respondents to promote the petitioner to the post of Assistant.

2. Succinct facts first. Petitioner was appointed as Clerk in the office of respondent No.2 on the recommendations of the Subordinate Services Selection Board, Haryana. In March, 1994, one post of Assistant was reserved for a candidate belonging to the Scheduled Castes. Against that post, the petitioner made a representation for promotion to the post of Assistant but at that time he was declined the promotion on the ground that he had not completed five years of service. On 10.01.1997, the respondent No.3, who was junior to the petitioner and belonged to the

S.C. category was promoted against the leave vacancy. Thereafter, the petitioner made various representations before higher authorities but to no avail.

3. Claim of the petitioner herein arises on account of him not being promoted to the post of Assistant despite being senior as per the seniority list prepared by the respondent department as against the promotion given to respondent No.3, who was concededly, junior to him at the relevant time. It appears that during the pendency of the writ proceedings, the department took corrective measures to avoid unnecessary heartburn to seniors for not having considered them for the promotional post despite them being senior. Resultantly, vide order dated 25.06.1998, the respondent No.3 was reverted to the feeder post from which he had been promoted. Consequently, being aggrieved, the respondent No.3 filed a writ petition bearing CWP No.9534 of 1998 challenging his reversion which was admitted for hearing on 26.08.1998 and despite seeking interim relief of stay of operation of the reversion order the same had not been granted. Ultimately, respondent No.3 stood reverted. Eventually, it seems that respondent No.3 when presented with a fait accompli has conceded to the same, as when his writ petition was taken up for hearing, he did not pursue the same and the same has been dismissed vide order dated 02.05.2022.

4. Be that as it may, what emerges is thus, that the heartburn caused to the petitioner for being ignored for the promotional post stood mitigated inasmuch as the respondent No.3 was reverted by administrative order which was duly implemented.

5. On a Court query, learned counsel for the petitioner is unable to respond as to whether the post in question was subsequently filled up wherein the petitioner was not considered despite being eligible.

6. In the premise, nothing survives in the present petition in view of the reversion order of respondent No.3. No ground to interfere is made out.

7. Petition is dismissed.

8. Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

JULY 14, 2022
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No