

Sr. No.708

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-3662-2001 (O&M)
Date of decision: 25.05.2022

Mohan Lal Girdhar

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.D.Sharma, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, inter alia, seeks issuance of a writ in the nature of mandamus seeking promotion as Office Superintendent in office of respondent No.2 in pay scale of Rs.2000-60-2300-75-2900-EB-100-3500/- with retrospective effect from 01.10.1993 with all consequential benefits with further prayer to grant the relief to the petitioner, as prayed for or as found due to him by this Court.

2. Petition was admitted for hearing on 08.03.2002.

3. When taken up for final adjudication, 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 21 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. Furthermore, it transpires that the current age of the petitioner would be 80 years or so as the exact age is not borne out from the record appended with the petition.

5. In any case, on 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 para-1 of the Preliminary Objections of the written statement, filed by respondents No.1 and 2.

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

7. 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.

8. The post of Officer Superintendent on which the petitioner stakes promotion is required to be filled up as per part A of Section 1(a) of the Punjab Jails Department Clerical & Technical (State Service Group C) Rules, 1962, which is as below:-

- “i) By promotion from amongst Head Assistant of the office with at least 3 years experience as such.*
- ii) By transfer from amongst officials in the service of Government who have at least 10 years service to their credit and held a degree of a recognized university.”*

A perusal of the above would reflect that Personal Assistant is not even eligible to stake his claim directly on the post in question by way of promotion. Concededly, petitioner was given promotion as Head Assistant w.e.f. 18.07.1991 vide an office order dated 27.02.21997 (Annexure R-1). In the premise as on the date of his application i.e. 09.03.1994 (Annexure P-11) while working as Head Assistant on an ex-cadre post, petitioner could not have been given undue advantage in violation of the applicable Rules for according promotion as Superintendent w.e.f. 01.10.1993 as is claimed by him herein, merely because he had been earlier performing his duties on the said post since said promotional post was lying vacant. In the overall premise, I see no

irregularity of any kind committed by the Department as to warrant any judicial intervention of this Court.

- 9. In view of the aforesaid, no ground are made out to interfere.
- 10. Dismissed.

25.05.2022
mamta/mahavir

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No