

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP- 6141-1998 (O&M)
Date of decision: April 28, 2022

Constable Phul Kumar

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

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

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1998, *inter alia*, for issuance of a writ in the nature of mandamus directing the respondents to promote the petitioner immediately as Head Constable w.e.f. 21.05.1996 with all consequential benefits

2. Petition was admitted on 13.09.2001.

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 Para 1 of the preliminary objections of the written statement, which is reproduced herein for ready reference:

“1. That out of turn promotion is not a matter of right, as he was not eligible either for regular promotion or out of turn promotion. Moreover, the Superintendent of Police, Jind Respondent No.3 had not recommended the name of the petitioner for being considered for out of turn promotion. The recommendation of Superintendent of Police, Jind is enclosed herewith as Annexure “R-1”. English translation of which is “R-1/T”. Accepting the representation of Superintendent of Police, Jind, the then Deputy Inspector General of Police, Hisar Range, Hisar approved the name of Constable Ram Chander. No.395/Jind and correctly did not approve the name of the

petitioner for want of any recommendation of Superintendent of Police, Jind. Even rest of the 14 police constables who were member of the seven police parties, have not been approved by the then Deputy Inspector General of Police, Hisar Range, Hisar. Thus petitioner has no claim as claimed for in this petition.”

5. The above said stand taken in the written statement remains uncontroverted as neither replication nor any affidavit has been filed. No further grounds are made out to interfere.

6. Dismissed.

(ARUN MONGA)
JUDGE

April 28, 2022
vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No