

Sr. No.722

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

**CWP-5970-2001 (O&M)**  
**Date of decision: 25.05.2022**

DayaNand and others

...Petitioners

Vs.

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present: None for the petitioners.

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

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**ARUN MONGA, J. (ORAL)**

Petition herein, inter alia, is for issuance of a writ in the nature of Mandamus directing the respondent to promote the petitioners with effect from the date their juniors were promoted, on the basis of length of continuous service on any post in service and not on the basis of instructions dated 25.05.1995 from the date of joining in the new depot if transferred on his own request. Reliance is placed on Rule 11 of the Haryana Transport Department (Group C) Haryana Roadways Service Rules, 1995.

2. Petition was admitted for hearing on 07.08.2002.

3. When taken up for final adjudication, after around 21 years, there is no representation on behalf of the petitioners. In the premise, no useful purpose would be served to issue fresh notice to the petitioners as the same too would be an exercise in futile. Even the addresses of the petitioners are also perhaps not complete as is borne out from the memo of parties.

4. It seems that by sheer effluxion of time and pendency of the writ petition for more than 20 years before this Court, either it has been rendered

infructuous or even otherwise the petitioners seem to have lost interest in pursuing the same.

5. In any case, from perusal of record/pleadings, it appears that even on merits, claim of the petitioners is not admissible. Reference may be had in particular to stand taken in para-2 of the Preliminary Objections of the written statement, filed by respondent.

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 respondent. 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 defense taken is that impugned order dated 11.9.2000 has been passed in accordance with letter/instructions dated 23.5.95 issued by the Transport Commissioner (Annexure-2) which is not under challenge. The petitioners on their own request were transferred from others depot to Fatehabad Depot, therefore, their case has to be dealt Annexure R-2.

9. In view of the aforesaid, no grounds are made out to interfere.

10. Dismissed.

**25.05.2022**  
mamta/mahavir

**(ARUN MONGA)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No