

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

**CWP No.9608 of 2001(O&M)
Date of decision: 26.05.2022**

Raj Singh and others

...Petitioners

Vs.

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioners.

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

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari quashing the impugned seniority list dated 31.03.2000 by which the private respondents have been declared seniors to the petitioners by granting them deemed promotion as Kanungo w.e.f. 06.12.1990.

2. Petition was admitted on 12.11.2002.

3. When called out for hearing, there is no representation on behalf of the petitioners. 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 petitioners seem to have lost interest in pursuing the same.

4. In any case, it appears that even on merits, claim of the petitioners is not admissible in view of the following stand taken in Para No.2 of the preliminary submission and Para Nos.5 to 7 of the reply on merits, filed on behalf of respondents No.1 to 3, which are reproduced herein below for ready reference:-

“2. That petitioners do not belong to district Sonipat, and, hence, they cannot challenged the seniority list which has been prepared by Collector, Sonipat. Therefore, the present writ petition is not maintainable.

XXXX XXXX XXXX XXXX XXXX

5. The contents of Para No.5 of writ petition are admitted except these relates to Balwan Singh respondent No.4. Though Balwan Singh Respondent No.4 was promoted on 31-8-93, but on a representation made by him to the Commissioner, Rohtak Division respondent No.2, he has given promotion w.e.f. 6-12-90 and the seniority list dated 31-3-2000 was accordingly prepared after hearing the affected Kanungos of Distt. Sonipat. Accordingly the date of promotion as Kanungo shown against the name of Balwan Singh at serial No.7 of this Para, has been wrongly shown by the promotion petitioners, as 31-8-93 where as in fact this date of is 6-12-90. The order dated 2.9.1992, passed by Commissioner, Rohtak Division, Rohtak, are annexed as R-2 where as the order date 23-7-93 passed by successor Commissioner, Rohtak division, have been annexed by petitioner as Annexure P-5 to this writ petition.

7. The Contents of Para No.6 are admitted to be correct the effect that Balwan, Ishwar and Surajmal (Surajmal wrongly typed as Rajmal) had made representations to Commissioner to Rohtak Division, who accepted the same and all these three persons were given deemed promotion w.e.f. 6-12-90, to which they were entitled to. It is well settled of principle of law that if a person is deemed to be something on a particular date, the law recognizes that person to be that something for all intents and purposes. From this promotion of Balwan etc. w.e.f. 6-12-90, the petitioner is in no way effected much less adversely because that promotion matter related to cadre of Kanungo of Distt. Sonipat only, whereas the present petitioners, as is there own case, belong to the cadre of Rohtak Distt. Therefore, if Partap Singh was not reverted at that relevant time, the same did not in any way prejudice the cause of the petitioners.”

5. I am in agreement with the stand taken by the respondents as aforesaid. 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.

- 6. In view of the aforesaid, no grounds are made out to interfere.
- 7. Dismissed.

26.05.2022
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(ARUN MONGA)
JUDGE

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