

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

Sr. No.558

CWP-13216-1999 (O&M)

Date of decision: May 18, 2022

Kanwal Singh and Others

...Petitioners

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioners.

Mr. R.D. Sharma, Deputy Advocate General, Haryana.

Mr. R.K. Malik, Senior Advocate
with Mr. Sandeep Dhull, Advocate for respondent No.4.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1999, *inter alia*, for issuance of a writ in the nature of certiorari quashing order dated 07.05.1999 (Annexure P-5) passed by respondent No.1 and conveyed to petitioner No.1 by respondent No.2 vide Memo dated 11.06.1999 regarding determination of seniority of Kanungo having passed the departmental examination for the post of Naib Tehsildar.

2. Petition was admitted on 27.09.2001.

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 22 years before this Court, it has been rendered infructuous and/or the petitioners seem 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 No.1(a) of the written statement filed on behalf of respondent No.4, which is reproduced herein for ready reference:

“1(a). That the grievance of the petitioner against the answering respondent and other private respondents is that they have not passed the departmental examination, hence they are liable to be reverted. It is necessary to mention here that the answering respondent was promoted as Naib Tehsildar on 01.12.1992 and Service Conditions for the post of Naib Tehsildars are governed by Statutory Rules called ‘The Haryana Revenue Department Naib

Tehsildar (Group-C) Service Rules, 1988'. Under the said Rules passing the departmental examination is necessary for direct recruitment as well as for transferee and for promotees, the passing of the departmental examination is not necessary. On 25.3.1994, the Rules have been amended and for promotees also the passing of departmental examination was made necessary. So all those who have been promoted prior to 25.3.94 for them passing of the departmental examination is not necessary. This controversy has already been settled by the Division Bench. Copy of the Judgment is attached herewith as Annexure R-4/1."

5. I am in agreement with the stand taken by the respondent-State as aforesaid. The same in any case has not been controverted, either by way of replication or by way of any additional affidavit.

6. In view of the aforesaid, no ground for interference is made out. Petition is dismissed.

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

(ARUN MONGA)
JUDGE

May 18, 2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No