

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

**CWP-15029-2001 (O&M)**

**Date of decision: September 06, 2022**

Prem Chand alias Prem Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

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

**Present:** Mr. Shubham Saroha, Advocate for the petitioner.

Mr. R.D. Sharma, DAG Haryana.

Mr. S.N. Saini, Advocate for respondent No.3.

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

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing the advice dated 21.05.2001 (Annexure P-3) regarding fixation of seniority, also to quash seniority list dated 07.07.1997 (Annexure P-6) *qua* the petitioner and private-respondents and furthermore to quash the letter dated 10.09.2001 (Annexure P-7) whereby representation of the petitioner for fixing his seniority was rejected.

2. Without going too deep into the matter, since it transpires that not only the petitioner, but even respondent No.3 with whom the petitioner seeks parity on the ground that he being senior has been accorded promotion on the post of Senior Assistant in the year 2014 whereas his junior i.e. respondent No.3 was promoted in the year 2012, I am of the view that at the time of filing of the writ petition, when both the petitioners and respondent No.3 and

4. were in service, while the claim of the petitioner was not considered, that of

respondent No.3 was taken into consideration leading to the promotion of respondent No.3 and that naturally caused heart-burn to the petitioner since it is the case that he despite being senior has not been given promotion. However, subsequently, by sheer pendency of the writ petition over the past more than 20 years, the petitioner was also accorded the benefit of promotion in the year 2014 as already noted and to that extent, his claim to the promotional post is rendered infructuous.

3. Assuming that the petitioner is accorded promotion from the date when respondent No.3 was given promotion in the year 2012, the same would not result in any further promotional avenue either *qua* petitioner or respondent No.3. As regards his monetary claim *qua* those two years, assuming he is accorded promotion, I am of the view that same is not maintainable as the petitioner cannot be given higher pay of the two years on a post on which he did not serve. Assuming petitioner is granted the aforementioned relief, the same will merely be notional without having any monetary benefits commensurate with the promotional post. Consequently, relief is completely rendered stale and infructuous.

4. In the premise, no grounds for interference are made out.

5. Dismissed.

7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)  
JUDGE

**September 06, 2022**  
mahavir

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No