

Sr. No.727 (2 cases)

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

Date of decision: 25.05.2022

1. CWP-6625-2001 (O&M)

Brij Mohan Gupta (now deceased) through LRs

...Petitioner

versus

Haryana Engineer-in-Chief, PWD (B&R Branch), Chandigarh and others

...Respondents

2. CWP-6620-2001 (O&M)

Brij Mohan Gupta (now deceased) through LRs

...Petitioner

versus

Haryana Engineer-in-Chief, PWD (B&R Branch), Chandigarh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner(s).

Mr. R.D. Sharma, DAG Haryana.

ARUN MONGA, J. (ORAL)

CM-7247CWP-2016 IN CWP-6625-2001 AND
CM-7245-CWP-2016 IN CWP-6620-2001

For the reasons stated in the applications, the same are allowed.

LRs of the petitioner as mentioned in Para-3 of the applications are ordered to

be impleaded as petitioners. Amended memo of parties are taken on record.

Registry is directed to tag the same at appropriate place.

Main cases (O&M)

Vide this common order and judgment, I intend to dispose of the

above-mentioned two writ petitions since not only the facts are similar but

the law points and the issue raised therein are also common. For brevity, facts are being taken from CWP-6625-2001.

2. Petitioner herein, *inter alia*, seeks grant of two proforma/ National/ deemed promotions to him with retrospective effect, claiming his entitlement on the basis of more than twenty years service (completed thirty seven years service). Reliance is placed on Haryana Govt. Circulars for grant of two promotions automatically after twenty years service as 'Head Clerk' and 'Circle Superintendent' etc.

3. Petition was admitted for hearing on 13.08.2002.

4. When taken up for final adjudication, 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 20 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems 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 petitioner is not admissible. Reference may be had in particular to the stand taken in para-2 & 3 of the preliminary submissions of the written statement filed by respondents No.1 to 5.

6. The defense taken is that it is apparent from the petition itself that the same was got typed on 1.12.97 but filed much later i.e. in 2001, after a period of 3½ years. Petitioner has added references of 1998 and 1999 in various paras by hand and some papers have been typed and numbered the paras upto 62 only to mislead this Court.

7. Further, the respondents plead, *inter alia*, that A.C.R. for the period of 1956 to 1987-88 were misplaced and are not traceable. However

on the basis of ACR for the above period a detailed report regarding the service record of the petitioner was submitted by the then Superintending Engineer on 10.7.67. On the basis of said report it is borne out that the service record of the petitioner was not good. Hence he was not promoted on the basis of ACRs/poor record.

8. Learned State counsel has canvassed arguments on similar lines as the stand taken in the written statement.

9. I am in agreement with the stand taken by the respondents.

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

11. Dismissed.

25.05.2022
mamta/mahavir

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No