

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CWP No. 17246 of 2013

Date of Decision : 09.11.2022

Dharampal Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gaurav Sethi, Advocate for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

Mr. Akshaydeep Singh Balyan, Advocate for
Mr. Ravinder Malik (Ravi), Advocate for respondent No. 4.

Harsimran Singh Sethi J. (Oral)

In the present petition, the prayer of the petitioner is for promotion to the post of Music Master/Mistress by quashing the order dated 19.07.2012 (Annexure P-7) by which, the said claim of the petitioner has been declined by the respondents.

Learned counsel for the petitioner concedes the fact that the petitioner became eligible for promotion to the post of Music Master/Mistress after acquiring the qualification from the Prayag Sangeet Samiti, Allahabad, which qualifications were gained by the petitioner on 09.07.2005. As per the petitioner, the persons juniors to him have been promoted whereas the said benefit has been declined to the petitioner.

Upon notice of motion, the respondents have filed the reply, wherein, the respondents have clearly stated that certain persons, who were juniors to the petitioner, were promoted on 24.11.2004 but on the said date, the petitioner was not eligible to be considered for promotion being not qualified. In the reply, it has been further mentioned that after the petitioner gained the requisite qualification for promotion on 09.07.2005, no person has been promoted to the post of Music Master/Mistress, who is junior to the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The facts, which have been stated hereinbefore, have not been disputed by the parties concerned. Once, it is a conceded position that after the petitioner gained the eligibility on 09.07.2005, no person junior to the petitioner, has been promoted to the post of Music Master/Mistress, no claim of the petitioner can be entertained for promotion as the same cannot be claimed as a matter of right.

Further, the said averment that no junior to the petitioner has been promoted after he attained the eligibility in the year 2005, has not been controverted by the petitioner in the replication filed by him. Hence, once no person junior to the petitioner has been promoted after the petitioner have attained the eligibility, the grievance being raised by the petitioner in the present petition needs no interference by this Court.

At this stage, learned counsel for the petitioner submits that the present petition was filed in the year 2013 i.e. about 9 years ago and the learned counsel submits that he has no instructions from the petitioner

whether, any person junior to the petitioner has been promoted during the pendency of the present petition so far.

Learned State counsel submits that in case, any of the person junior to the petitioner has been promoted during the pendency of the present petition and if such grievance is raised by the petitioner before the authorities concerned, the same will be given due consideration and appropriate order will be passed on the said grievance, if raised, within a period of eight weeks of the raising of the same by the petitioner.

Learned counsel for the petitioner submits that keeping in view the above, the present petition may kindly be disposed of having been not pressed any further with liberty to the petitioner to approach the respondents by filing appropriate representation.

Ordered accordingly.

November 09, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes