

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

CWP-25269-2012 (O&M)

Date of decision: May 05, 2022

Avtar Singh Saini

...Petitioner

versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Veneet Sharma, Advocate,
For the petitioner.

Ms. Jasleen Kaur Sidhu, AAG, Punjab.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari to quash orders dated 23.11.2012 (Annexure P-9) and dated 29.08.2003 (Annexure P-2) vide which respondents No.4 and 5 have been promoted to the post of Professor Obst. & Gynae. Further prayer has been made to issue a writ in the nature of mandamus directing the respondents to promote the petitioner to the post of Professor from the date his juniors were promoted along with all consequential benefits.

2. Petition was admitted on 24.03.2014.

3. On being asked to argue, learned counsel for the petitioner contends that during pendency of the writ petition, which was filed in the year 2012 and has come for final hearing after about 12 years, the petitioner has unfortunately expired.

4. On a Court query as to why the petition be not dismissed as infructuous since the prayer made by the petitioner seems to have been abated with his death, he submits that certain pecuniary benefits arise out of the promotion in case, the claim of the petitioner is accepted.

5. Be that as it may, I am not inclined to keep the proceedings pending before this Court and the same are disposed of as infructuous with liberty to learned counsel for the petitioner to implead the Legal Representatives in case, they wish to pursue after his demise.

6. In the parting I may like to express my opinion that with passage of time relief sought has become stale since what is pleaded in the petition is that while on one hand the private respondents No.4 and 5 were accorded promotion on the post of 'Professor' despite they being allegedly juniors and on the other hand, petitioner's claim being senior was given a complete short shrift. Owing to sheer pendency of the writ petition, both the private respondents No. 4 and 5 since have successfully rendered entire service and have superannuated whereas, petitioner has also unfortunately expired.

7. However, liberty is being granted, as aforesaid, on the request of learned counsel for the petitioner.

8. Disposed of accordingly.

(ARUN MONGA)
JUDGE

May 05, 2022
vandana

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No