

In the High Court of Punjab and Haryana at Chandigarh

112+201

CWP-16542-2017 (O & M)

Date of Decision: August 29, 2022

SUNIL KUMAR & ORS

....PETITIONERS

VERSUS

STATE OF HARYANA AND ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Ashok Kumar Khubber, Advocate for the petitioners.

Mr. Kapil Bansal, DAG, Haryana.

Mr. R.S. Cheema, Advocate for respondents No.3 and 4.

ANUPINDER SINGH GREWAL, J (ORAL)

CM-12789-2022

This application is for placing on record the affidavit of Principal, Dayanand Postgraduate College, Hisar.

For the reasons stated in the application, the same is allowed and the affidavit of Principal, Dayanand Postgraduate College, Hisar is taken on record.

Main Case

The petitioners have sought setting aside the advertisement No.1 of 2016 whereby the respondents have advertised the post of Clerk/Restorer/Lab Assistant/Lab Attendant.

Learned counsel for the petitioners contends that the petitioners, who are working on various posts are fully eligible for promotion and the respondents instead of promoting the petitioners had initiated process of filling the posts through fresh appointment. He also submits that it is a colorful

exercise of powers and they have decided to go ahead with fresh appointment when the petitioners were eligible for promotion.

Learned counsel for the respondents while referring to the affidavit of Principal, Dayanand Postgraduate College, Hisar submits that the college had decided not to go ahead with the impugned advertisement. It is also stated that in case there is any requirement in future, a new advertisement would be issued as per the procedure after seeking necessary approval from the Director Higher Education.

Heard.

As the respondents have decided not to go ahead with the impugned advertisement, the first prayer of the petitioners for quashing the advertisement would not survive. Insofar as the prayer of the petitioners for promoting them is concerned, there is no averment to indicate that any person, who is junior to the petitioners, has been promoted ahead of them. Therefore, the respondents cannot be directed to promote the petitioners at this stage. It will be open to the petitioners to approach the respondents for their grievance with regard to the promotion.

On the basis of material on record, I do not find that the action of the respondents is a colorable exercise of powers or is vitiated in any other manner.

In view of the above, I do not find any merit in the instant petition, which stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

August 29, 2022

A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No