

221-A

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

CWP-22095-2016

Date of Decision: 12.05.2022

Mewa Devi

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jaspal Singh Maanipur, Advocate,
for the petitioner.

Mr. Narender Singh Behgal, AAG, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, grievance of the petitioner is that her late husband, namely Dalip Singh, is entitled for promotion, with effect from the date when the employees, namely Swaran Singh Bawa and Wazir Chand, who were junior to him, were granted the benefit of promotion to the post of Company Commander, along with all the consequential benefits.

After notice of motion, the respondents have filed the written statement, wherein it has been mentioned that Late Dalip Singh was promoted as a Company Commander on 21.05.1986, whereas the said Swaran Singh Bawa was promoted as such on 31.07.1986 and Wazir Chand was actually promoted on the said post on 17.05.2005. As per the respondents, Late Dalip Singh was already senior to the said Wazir Chand and Swaran Singh Bawa in the ranks of Platoon Commander and Company Commander, and therefore, the question of granting the benefit of retrospective promotion to the late husband of the petitioner does not arise.

The relevant paragraph of the said written statement filed by the respondents in this regard is as under:

“ x - x - x

In this regard, it is submitted that the case of Wazir Chand has not relevance with the case of husband of the petitioner, as such Shri Wazir Chand was actually promoted to the post of Platoon Commander on 16.04.1990 and on Company Commander on 17.05.2005, respectively, but vide ibid CWP he sought benefits of seniority over and above to his junior counterpart Late Swaran Singh Bawa w.e.f. 02.11.1979 and 31.07.1986 respectively, to the posts of Platoon Commander and Company Commander. The Hon'ble High Court vide order dated 21.07.2015 (CWP No.4301 of 1998, O&M) has found him entitled to grant the promotion from the date when respondent No.4 (namely late Swaran Singh Bawa) was promoted to aforesaid posts along with granting him all mandatory and all consequential benefits (in monetary terms) within a period of three months. Whereas Late Dalip Singh was actually promoted to the posts of Platoon Commander on 02.07.1976 and Company Commander on 15.11.1984, which reveals that the husband of the petitioner was already senior to Shri Wazir Chand and Late Swaran Singh Bawa in the ranks of Platoon Commander and Company Commander, respectively, hence the judgment passed in CWP No.4301 of 1998 has no relevance to the case of petitioner's husband.

x - x - x”

Learned counsel for the petitioner very fairly submits that keeping in view the said written statement filed by the respondents, once Late Dalip Singh had been granted the promotion to the post of Company Commander from the date prior to that of Wazir Chand as well as Swaran

Singh Bawa, no grievance of the petitioner survives in the present petition at this stage and the same may kindly be disposed of as having been not pressed any further at this stage.

Ordered accordingly.

12.05.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No