

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-11768-1993 (O&M)
Date of Decision:03.08.2023

BALJIT SINGH AND ANOTHER
(Through LRs)

.....Petitioners

V/s.

**THE DIRECTOR, AGRICULTURE, PUNJAB, CHANDIGARH AND
ANOTHER**

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. R.D. Bawa, Advocate, and
 Mr. Dipanshu Kapur, Advocate,
 for the petitioners.

Mr. Vishnav Gandhi, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The petitioners have preferred this Writ Petition for issuance of a writ in the nature of *mandamus* directing the respondents to consider them for promotion to the post of Agricultural Sub Inspectors from the date their juniors have been promoted to the post of Agricultural Sub Inspectors.

2. This Writ Petition is pending since 1993.

3. Learned counsel for the petitioners, at this stage, upon the observations of this Court, prays to implead the persons, who have been promoted as parties in this Writ Petition. Although, they were not impleaded uptill date, this Court does not deem it appropriate, at this point of time, granting indulgence to the learned counsel for the petitioners.

4. Since no reply has been filed by the respondents in this Writ Petition, the case is, therefore, heard *ex parte* without the reply.

5. The petitioners in the present Writ Petition states that they were placed at Sr. No.48 and 57 respectively in the District Level of seniority list of Beldars as published vide endorsement No.20250-70 dt.04.12.1989. In the said list, one Parmeshwari Dass was placed at Sr. No.51 and one Kashmir Singh was placed at Sr. No.58. Parmeshwari Dass was under matric and Kashmir Singh was 7th Class pass. They both have been promoted but the petitioners have been left out. It has also been stated in the petition that one Mohinder Pal Singh, who was illiterate, was also granted promotion.

6. Since none of them was party to this Writ Petition, the averments made by the petitioners stating allegations of less qualifications or they being juniors to the petitioners cannot be decided in their absence.

7. Learned counsel for the petitioners further submits that the case of the petitioners is covered by the judgment dt.24.08.1995 passed by this Court in the case of **“Dilbagh Singh and Others Vs. State of Punjab and others; CWP-13558-1992.**

8. This Court finds that the judgment of Dilbagh Singh and others (Supra) is on a completely different issue wherein this Court has decided that the District Level seniority is required to be maintained and not that of the State Level seniority of Beldars, since promotions made were originally on the basis of District Level seniority, no interference of this Court is warranted at this Stage.

9. In view of the judgment passed in the case of Prabodh Verma
And Others vs State Of Uttar Pradesh; 1984 (4)SCC 251, if necessary parties
have not been impleaded to the Writ Petition, the same deserves to be
dismissed.
10. Accordingly this Writ Petition is dismissed.

August 3, 2023

Ess Kay

[SANJEEV PRAKASH SHARMA]
JUDGE

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