

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.15531 of 1991 (O&M)

Date of Decision:03.08.2023

S.P. Singh Chauhan

...Petitioner

Vs

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sunil Panwar, Advocate
for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

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HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the petitioner has challenged certain orders by which his representations qua amendment of the seniority in the cadre of Taxation Inspector were considered and rejected. The orders under challenge were passed starting from the year 1978 onwards and the same prayer of the petitioner was rejected by the department as and when raised. While filing the present petition in the year 1991, orders, which were passed 13 years ago rejecting his representations qua seniority, were challenged. Further, the prayer of the petitioner is that respondents No.1 and 2 should promote the petitioner as Assistant Excise and Taxation Officer from the date his juniors were promoted by re-fixing the seniority of the petitioner and grant him further promotion to the post of Deputy Excise and Taxation Officer.

The nutshell is that the present case relates to dispute qua seniority as fixed vide letter Annexure P-6. It is a conceded case that the petitioner has already retired from service in the year 1994 and even all the private respondents, who have been impleaded, have also retired. The grievance of the petitioner with regard to seniority in the cadre of Taxation Inspector was rejected by the

department in the year 1978 and rather than challenging the said order at that relevant time, the petitioner kept on filing repeated representations, which were also rejected and it is only at the fag end of his career, the petitioner approached this Court challenging rejection of his prayers qua re-fixation of seniority in the cadre of Taxation Inspector, so as to claim further promotion as Assistant Excise and Taxation Officer as well as the Deputy Excise and Taxation Officer.

The prayer made in the present writ petition has already outlived, as the petitioner has already retired from service approximately 30 years ago and none of the private respondents is also in service, now, hence, adjudication of claim of the petitioner with regard to seniority in the cadre of Taxation Inspector, which claim was rejected in the year 1978, and the same was not challenged before the competent court of law then and the writ petition has been filed after approximately 13 years of passing of the said impugned order, hence at this stage, adjudicating upon the said seniority list so as to disturb the same, will serve no purpose. Hence, keeping in view the efflux of time, read with nature of prayer of the petitioner coupled with the facts and circumstances of the present case, no further order is required to be passed in the present petition at this stage qua the prayers raised in the petition.

The writ petition is disposed of accordingly.

(HARSIMRAN SINGH SETHI)

JUDGE

August 03, 2023

Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No