

CWP No. 17579 of 1995 (O&M)

2023:PHHC:100961

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CWP No. 17579 of 1995 (O&M)

Date of Decision : 04.08.2023

Manphool Singh through his legal heir

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mohit, Advocate for
Mr. Sumit Sangwan, Advocate for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Mr. Charanji Lal, Advocate for
Mr. Kamal Sehgal, Advocate for respondent No. 3.

Harsimran Singh Sethi J. (Oral)

CM-23495-1999

Application is allowed, as prayed for.

CWP No. 17579 of 1995

The present petition has been filed challenging the order dated 09.07.1999 (Annexure P-21) by which, respondent No. 3 was posted as Deputy Chief Wild Life Warden in the Department of Wild Life Preservation, Haryana. The said transfer was challenged by the petitioner on the ground that respondent No. 3 could not have been transferred from the Department of Forest due to the fact that the chances of promotion of the petitioner would get hamper as he was eligible for the said post being the only senior most Class-II Officer in department.

It may be noticed that a period of 28 years have already elapsed since the filing of the present petition and the petitioner as well as respondent No. 3 are not in service now.

Keeping in view the said fact that once the parties are not in service any more, no adjudication is needed as to whether, transfer of respondent No. 3 at the relevant time was valid or not.

At this stage, learned counsel for the petitioner submits that there is a prayer for promotion of the petitioner as well.

It may be noticed that promotion cannot be claimed as a matter of right even if the post is lying vacant. It is prerogative of the department to effect promotions in case department is of the view that post in question needs to be manned. Furthermore, at this stage, when the petitioner is not in service any more, no adjudication on the said aspect can be rendered, especially, after 28 years of filing of the present petition.

Keeping in view the above, no ground is made out for any interference by this Court with the impugned order dated 09.07.1999 (Annexure P-21) keeping in view the facts and circumstances noticed herein-above and the writ petition is accordingly disposed of.

Any application, if pending, stands disposed of.

August 04, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No