

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-3883 of 2023(O&M)

Date of Order:24.02.2023

Baldev Randhawa

...Petitioner

Versus

Secretary, Transport Department, Government of Punjab
and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harbhajan Singh Sran, Advocate
for the petitioner.

Mr. R.K.Kapoor, Addl.A.G., Punjab.

ANIL KSHETARPAL, J

The petitioner, on attaining the age of superannuation, retired from the post of Secretary, Regional Transport Authority on 30.12.2021.

While filing the writ petition, he prays for the following substantive reliefs:-

- i). *To issue an appropriate writ, order or direction especially in the nature of Mandamus directing Respondent no.1 and 2 to make corrections in the date of promotions of the petitioner firstly to the post of Service Engineer and thereafter to the post of Secretary Regional Transport Authority from due dates.*
- ii) *To issue a writ in the nature of Mandamus directing Respondent no.1 and 2 to consider the petitioner for promotion from the post of Secretary Regional Transport Authority to the post of Additional State Transport Commissioner (Enforcement) being senior most eligible person on the basis of directions of personnel department dated 08.05.2017 and dated 06.10.2021 Annexure P-27*

and P-28. And on the basis of DPC fixed for promotion as Additional State Transport Commissioner (Enforcement) on dated 30.12.2021 along with all the consequential benefits.”

This Bench has heard the learned counsel representing the petitioner at length and with his able assistance perused the paper book.

The petitioner claims that he was appointed on compassionate basis as Head Mechanic on 06.07.1984. On 15.12.1989, he was promoted as Service Station Incharge. Subsequently, he was promoted as Motor Vehicle Inspector on 09.09.1992. After the completion of 5 years of experience, he was eligible for promotion to the post of Service Engineer. Thereafter, one Mr. Rakesh Gupta, Motor Vehicle Inspector was sought to be promoted as Service Engineer but he refused. Mr. H.S.Uppal, Assistant Mechanical Engineer was posted as Motor Vehicle Inspector on 06.08.2001. On 09.11.2011, a tentative seniority list was issued and the petitioner filed objections. The petitioner's objection was accepted and he was suitably placed in the seniority list. Thereafter, Sh. H.S.Uppal was transferred as Automobile Engineer in the year 2004. In civil writ petition no.21677 of 2006 filed by the petitioner, a direction was issued to decide his representation. The petitioner was promoted as Secretary, Regional Transport Authority on 07.09.2006. It has been claimed that on 30.12.2021, though, meeting of the Departmental Promotion Committee was held but the petitioner's case for promotion as Additional State Transport Commissioner was not considered due to incomplete record of the ACRs. In these circumstances, the petitioner prays for the issuance of an appropriate writ.

As already noticed, the petitioner superannuated in December, 2021. He has filed the present petition on 21.02.2023. The jural relationship

between the petitioner and the government has already come to an end. In these circumstances, this court does not find it appropriate to exercise its writ jurisdiction. The petitioner, if so advised, may avail the remedy of filing a civil suit.

Dismissed.

February 24, 2023
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:YES/NO
Whether reportable	:YES/NO