

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CWP-3150-1999 (O&M)

Date of Decision:02.11.2023

Shashi Kalwan

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Nitin Sherwal, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

HARSIMRAN SINGH SETHI J.(Oral)

1. In the present petition, the claim of the petitioner is that the petitioner is entitled for promotion to the post of Deputy Superintendent against Roster Point No.4 w.e.f. 24.10.1980 and the said post was given to Sh. O.P. Khera who was a general category candidate.

2. It may be noticed that Sh. O.P. Khera has already been granted the promotion against the Roster Point No.4 which promotion is not under challenge in the present petition. Further, in case the prayer of the petitioner is accepted now, the petitioner will be granted promotion against Roster Point No.4 and the promotion against the said roster point which has already been granted to Sh. O.P. Khera, will be liable to be withdrawn. It is a settled principle of law that any employee who is going to be effected by the order of the court, has to be a party to the petition. Despite challenging the grant of Roster Point No.4 to Sh. O.P. Khera, the petitioner chose not to implead him.

The present petition was filed in the year 1999 and by this time, not only the

petitioner even Mr. O.P. Khera had already retired from service.

3. Keeping in view the above-mentioned fact, the present petition cannot be adjudicated in the absence of the necessary party who are likely to be effected by the outcome. Hence, the present petition is hereby dismissed as all the required parties have not been impleaded by the petitioner claiming the relief despite knowing the factual position even at the time of filing of the petition. However, this Court will not preclude the petitioner to file a fresh one by impleading all the necessary/requisite employee as a party in case the petitioner chooses to do so.

(HARSIMRAN SINGH SETHI)
JUDGE

02.11.2023

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