

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CWP-8886-2019 (O&M)
Date of decision: 15.02.2023**

Shaktidhar Sharma and others

...Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- None for the petitioners.

Mr. Rohit Arya, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the present petition filed under Article 226/227 of the Constitution of India is for issuance of a writ in the nature of certiorari quashing the order dated 01.12.2016 (Annexure P-5) limited to the extent that the same does not provide the promotion retrospectively and with all the consequential benefits and further to direct the respondents to grant the consequential benefits of promotion including seniority, arrears of salary, increments from the date ineligible persons were promoted on 20.02.2013 as the promotion of the ineligible persons stands quashed by virtue of order dated 22.12.2015 (Annexure P-3).

The written statement filed on behalf of respondent Nos.1 to 3 is already on record.

Today there is no representation on behalf of the petitioners.

As per the contents of the petition, prior to their promotions to

the post of Elementary School Headmaster (ESHM) and the petitioners were working as Sanskrit Teacher; that as per the Haryana School Education (Group-C) State Care Services Rules, 2012, qualifications are specifically prescribed and all the petitioners are fulfilling the requisite conditions, but respondent No.3-Director, Elementary Education Haryana, promoted the certain ineligible persons to the post of ESHM. Thereafter, the petitioners and other similarly situated employees challenged the illegal promotion orders in separate writ petitions. In compliance of the order dated 22.12.2015 (Annexure P-3) passed in 'Sartaj Singh Dhanda and Ors. Vs. State of Haryana and Ors.' and other connected petitions, the promotion order dated 20.02.2023 (Annexure P-2) was quashed by respondent No.3 vide order dated 01.07.2016 (Annexure P-4) and the petitioners were considered for promotion on 01.12.2016 (Annexure P-5), though, the petitioners have been promoted yet the consequential benefits have not been granted to them.

Learned State counsel points out that as per Para 11 of the written statement dated 18.01.2020, after considering the claim of the petitioners from all corners, it has been found that the petitioners claimed for the compliance of the order dated 20.02.2013, which has already been quashed vide order dated 22.12.2015 passed by a Coordinate Bench of this Court, the petitioners are not entitled for grant of any relief as prayed for.

I have heard the learned counsel for the parties and have also gone through the case file.

Perusal of the case file would itself reveal that the petitioner s are claiming for grant of consequential benefits of promotion including seniority, arrears of salary, increments from the date ineligible persons were promoted

on 20.02.2013, which has already been quashed by a Coordinate Bench vide order dated 22.12.2015. Since the order dated 20.02.2013 on the basis of which, the petitioners are claiming for aforesaid relief, has already been quashed and moreover, the employees who were promoted vide order dated 20.02.2013 have already been reverted vide order dated 01.07.2016 (Annexure P-4) by respondent No.3-Director, Elementary Education Haryana, in compliance of order dated 22.12.2015, no further order is called for in the present petition.

Dismissed.

(HARNARESH SINGH GILL)
JUDGE

15.02.2023

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No