

CWP-23401-2015

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(102)

CWP-23401-2015

Date of decision : 26.04.2023

Virender Bajaj

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. P.K.Chugh, Advocate for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

...

**SUVIR SEHGAL, J. (Oral)**

1. Instant writ petition has been filed under article 226/227 of the Constitution of India primarily seeking the following relief:-

ii) *to issue a writ in the nature of Certiorari quashing the action of the respondents, whereby, the petitioner has not been granted 1<sup>st</sup> ACP w.e.f. 27.01.2013 on completion of 10 years of regular satisfactory service and quashing order dated 16.01.2014, Annexure P-10, whereby, respondent No.5 has been promoted on the post of Clerk ignoring the claim of the petitioner, who happens to be the senior to respondent No.5 and further a writ of mandamus may kindly be issued directing the respondents to grant 1<sup>st</sup> ACP w.e.f. 27.01.2013 on completion of 10 years of regular satisfactory service and be*

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*promoted on the post of Clerk w.e.f. 16.01.2014 from the date when respondent No.5 has been promoted with all consequential benefits.”*

2. Upon notice, response has been filed by the State, wherein, it has been submitted that the first ACP has been granted to the petitioner w.e.f. 01.02.2013 and modified grade was given to him w.e.f. 04.03.2014. In so far as challenge to the promotion of respondent No.5 is concerned, the stand of the respondents is that he has been reverted by order dated 08.09.2015, which he challenged by filing CWP-20235-2015 before this Court.

3. State counsel submits that during the pendency of the instant petition, writ petition preferred by respondent No.5 has been allowed by order dated 30.03.2017 with a direction to the respondents to reconsider the petitioner's explanation and pass a suitable order.

4. Resultantly, both the prayers sought for in the instant writ petition have become infructuous. However, liberty is granted to the petitioner to approach the Court afresh, in case, intends to assert his claim qua promotion.

5. Dismissed with liberty as aforesaid.

(SUVIR SEHGAL)  
JUDGE

26.04.2023

Pardeep

|                           |        |
|---------------------------|--------|
| Whether Speaking/Reasoned | Yes    |
| Whether Reportable        | Yes/No |