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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-19554-2021 (O&M)
Date of Decision: 01.02.2023

SWARAN SINGH

.. Petitioner

Vs.

FOOD CORPORATION OF INDIA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ravi Malhotra, Advocate for the petitioner.
Mr. Ravi Kamal Gupta, Advocate
for the respondents.

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Manoj Bajaj, J. (Oral)

Petitioner-Swaran Singh has filed this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of Mandamus directing the respondents to promote him from the date of his eligibility i.e. from year 2001 onward on the rank of A.G. II(D), A.G. I(D) and M(D) as all the similarly situated persons stood promoted, but the promotion order of the petitioner was not conveyed. Further, prayer has been made for consequential relief of all increments as well as monetary benefits w.e.f. 2002 with interest @ 18% per annum.

Learned counsel submits that the petitioner was appointed as Assistant Grade-III(D) in the department of Food Corporation of India, who joined his services on 13.05.1985. The petitioner belongs to scheduled caste category and as per claim, the similarly situated persons, who were appointed along with the petitioner were promoted as A.G.-II(D) vide order dated 15.02.2002, but the petitioner was not considered for promotion and in this regard, he has invited the attention of the Court to the office order

dated 15.02.2002 (Annexure P-3). According to the learned counsel, some of the officials were further promoted to the post of A.G-I (D) to M(D) vide order dated 17.04.2015, but despite various representations by the petitioner, he was not considered for promotion. Learned counsel has drawn the attention of the court to the representations dated 23.05.2018 and 27.07.2018 (Annexures P-4 and P-5) respectively, containing his request to the Executive Director, Food Corporation of India, ZO (N), Noida (UP) Noida to examine his case for promotion, whereupon communication dated 21.08.2018 followed by letter dated 09.01.2020 was sent by Asstt. General Manager, FCI, Chandigarh to the office of General Manager, FCI, Chandigarh seeking clarification regarding petitioner's promotion. He submits that since the other eligible persons were promoted, but the petitioner was ignored and his grievance has not been redressed, despite number of representations, therefore, indulgence of this Court for issuance of writ in the nature of mandamus is prayed for.

Upon hearing the learned counsel and considering his submissions, it transpires that the petitioner is claiming parity with those officials, who were promoted long back in the year 2002 followed by their subsequent promotion in the year 2015, but has chosen to approach the Court after a long delay, which is unexplained. During the course of hearing, it is not disputed by learned counsel that the petitioner had sent the representations in May and July, 2018 i.e. just before he retired from service on 31.08.2018, and even, the promotion orders passed in respect of the other officials have not been challenged by the petitioner. Admittedly, the petitioner superannuated in August, 2018 and at the time of filing of the petition, there existed no relationship of employee and employer between

the petitioner and the respondents. Further, a perusal of communication dated 23.01.2020 (Annexure P-8) shows that the official was undergoing recovery proceedings and the intimation in this regard as received from the Vigilance Branch of Regional Office, Punjab already stood furnished through letter bearing 7363 dated 30.08.2018.

Consequently, in view of the above discussion, this Court is not inclined to exercise the extraordinary writ jurisdiction under Article 226 Constitution of India.

Dismissed.

01.02.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No