



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212

CWP No.14994 of 1999 (O&M)
Date of decision: 08.08.2024

Niranjan Lal

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Amrindra Pratap Singh, Advocate
for Mr. Gurnam Singh, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

NAMIT KUMAR J. (Oral)

1. The present petition has been filed by the petitioner,
claiming the following reliefs:-

*(i) a writ of Certiorari for quashing the impugned
order dated 18-8-1998, 4-10-1998 and 1-10-1999
(Annexures P/1, P/2 and P/5); with all consequential
service benefits;*

*(ii) a writ of Mandamus directing the respondents-
authorities to consider the petitioner for promotion to the
post of Head Clerk/Superintendent with effect from the date
his juniors were promoted;*

*(iii) an appropriate writ, order or direction that the
respondents No.7 to 9 have no right to hold the post of
Superintendent, particularly when they were not eligible
for lower post of Head Clerk;*

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(iv) a writ of Mandamus directing the respondents-authorities to revise the seniority list of the employees including the petitioner vis-a-vis the respondents No.4 to 9;

OR

(v) any other writ, order or direction as this Hon'ble High Court may deem fit and proper in the circumstances of case, be also issued;

(vi) service of advance notices upon the Respondents as required under the writ Rules, be dispensed with;

(vii) filing of certified copies of Annexures P/1 to P/5 be exempted.

(viii) writ petition be allowed with costs in favour of the petitioner.”

2. In the written statement filed by the respondent – State, it has been averred as under:-

“2. That in the present writ petition, the petitioner is challenging the promotion of private respondents of Reserved Category and claiming his promotion as Head Clerk/ Superintendent. In this regard, it is submitted that the private respondents were promoted as Head Clerk/ Superintendent from their respective cadre as per Annexure R-I.

It is further submitted that the case of the petitioner was also considered to the post of Head Clerk in the year 1998 along with his seniors, but he was not promoted because a charge sheet under Rule 7 was pending against him. The petitioner was promoted as Head Clerk on 3.12.99 after the decision of charge sheet under Rule 7. All the private respondents had been promoted as Head Clerk/ Superintendent prior to 3.12.99 when the petitioner was promoted as Head Clerk. Hence, the petitioner could not

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be considered for promotion of Superintendent along with the private respondents. It is necessary to mention here that the there are 15 candidates namely sary Shri Jagmal Singh, Harish Chander, Ranjit Singh, Nanak Chand, Ram Chander Sehzada, Smt. Gobind Kaur, Sarv Sh. Diwan Chand Kataria, Arjun Dev Chawla, Sada Nand, RamJi Lal, Sohan Lal, Hoshiar Singh, Hawa Singh, Roshan Lal, Santosh Kumar of general category who are senior to the petitioner as clerk and are still working as Head Clerk. Hence, there is no question to promote the petitioner as Superintendent prior to seniors. In view of this the present writ petition is liable to be dismissed.”

3. Leaned State counsel, on instructions from Jitender Kumar, Assistant deputed in the office of Director, General Health Services, Haryana, Panchkula, submits that the petitioner has already been promoted to the post of Head Clerk on 03.12.1999 and thereafter, he was promoted as Superintendent on 25.02.2003 and has retired as such, on 30.04.2006. He further submits that even the private respondents have also been retired from service.

In this view of the matter, no cause survives in the present petition and the same is accordingly disposed of having been rendered infructuous.

(NAMIT KUMAR)
JUDGE

08.08.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No