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

CWP-6735-1999

Decided on: 04.11.2024

Ram Kumar Sharma

.... Petitioner

Versus

Haryana State Coop. Supply and Marketing Federation Ltd. and another

... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate for the petitioner.

Mr. Padamkant Dwivedi, Advocate,
for respondent No.1.

Mr. Prateek Gupta, Advocate,
for respondent No.2.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* to quash the promotion of respondent No.2 as Joint Manager and further direction be issued to promote the petitioner as Joint Manager from the date respondent No.2 was promoted and petitioner be granted all consequential benefits.

2. Learned Senior Counsel for the petitioner submitted that the prayer in the present petition is for quashing the promotion order of respondent No.2, who was promoted as Joint Manager and to issue a direction to respondent No.1-HAFED to promote the petitioner as Joint Manager. He further submitted that vide order dated 29.04.1999 (Annexure P-3), respondent No.2 has been promoted to the post of Joint Manager in violation of the Rules because he was not even eligible for being promoted to



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the aforesaid post because he was not possessing the qualification and experience of 5 years as District Manager/Deputy Manager. He further submitted that although the petitioner and respondent No.2 have retired but the petitioner may be granted deemed date of promotion so that the necessary consequential retiral benefits may be given to him.

3. On the other hand, Mr. Padamkant Dwivedi, learned counsel for respondent No.1 and Mr. Prateek Gupta, learned counsel for respondent No.2 have submitted that the present petition is now liable to be disposed of in view of the fact that the present petition was filed in the year 1999 and the petitioner has already retired in the year 2007 and respondent No.2 has also retired in the year 2005 and therefore, the issue is only academic in nature.

4. Mr. Padamkant Dwivedi, learned counsel for respondent No.1 also submitted that no order of quashing of the promotion order of respondent No.2 can now be passed after his retirement. He further submitted that even deemed date of promotion cannot be given to the petitioner in view of the fact that only one person could have been promoted to the aforesaid post and now since the promotion of respondent No.2 cannot be quashed at this stage, nothing would survive in the present petition.

5. I have heard the learned counsels for the parties.

6. It is a case where the present petition has been filed in the year 1999 and the prayer is for quashing the promotion order of respondent No.2 on the ground that he was not holding the qualification and experience as per the Rules. However, with the efflux of time, the petitioner has retired in the year 2007 and respondent No.2 has retired in the year 2005. Now at this stage, the promotion order of respondent No.2 cannot be set aside especially in view of the fact that long time ago, he has already retired. So far as the



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alternate prayer of learned Senior Counsel for the petitioner that the petitioner should be given deemed date of promotion is concerned, the same also cannot be considered at this stage due to the efflux of time because now the matter has become academic in nature. There was a post of Joint Manager and respondent No.2 was promoted to the same and the petitioner has not worked on the aforesaid post.

7. In view of the above, this Court is of the considered view that with efflux of time, nothing would survive in the present petition and the same is hereby dismissed.

04.11.2024

(JASGURPREET SINGH PURI)
JUDGE

Bhumika

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |