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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6936-1998 (O&M)
Date of decision: 17.09.2024

MANGE RAM

...Petitioner

VERSUS

REGISTRAR, COOPERATIVE SOCIETIES, HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. S. S. Dalal, Advocate for the petitioner.

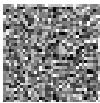
Ms. Rajni Gupta, Addl. A.G., Haryana.

Mr. C. R. Dahiya, Advocate for the respondent-Bank.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the promotion of respondent No.3 on the post of Clerk with a further prayer to direct the official respondents to promote the petitioner on the post of Clerk from the date when respondent No.3 has been promoted.

2. Learned counsel for the petitioner submitted that in the present case the prayer of the petitioner was with regard to the fact that respondent No.3 was wrongly promoted to the post of Clerk and now in fact with the efflux of time, the petitioner as well as respondent No.3 have retired but the petitioner is seeking a direction from this Court that after giving deemed date of promotion to him, he may be granted the difference of salary.



3. On the other hand, learned counsel for the respondent-Bank submitted that with the efflux of time, the present writ petition has become redundant particularly in view of the fact that now once respondent No.3 has already retired, this Court may not quash his promotion after retirement and since the petitioner has not been promoted, then after his retirement he cannot claim any deemed promotion and consequent salary for the post on which he has never worked.

4. After hearing learned counsel for the parties, this Court is of the view that the submission made by learned counsel for the respondent-Bank carries weight. With the efflux of time, respondent No.3 has already retired and similarly petitioner has also retired. The prayer in the present writ petition is for quashing the promotion of respondent No.3 to the post of Clerk. This Court is not making any observation as to whether the promotion of respondent No.3 on the aforesaid post was erroneous or not because now it is only an academic issue. So far as the prayer of the learned counsel for the petitioner that the petitioner should be promoted to the post of Clerk by giving him deemed date of promotion and consequential salary is concerned, the same cannot be granted at this stage.

5. Consequently, the present writ petition is hereby dismissed.

(JASGURPREET SINGH PURI)
JUDGE

17.09.2024
Chetan Thakur

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