



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

205

CWP No.7982 of 1999 (O&M)
Date of decision: 05.09.2024

Kulwant Singh

....Petitioner

Versus

Punjab Mandi Board and others

....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Ms. Lishika Mehta, Advocate
for Mr. Sameer Sachdeva, Advocate
for the petitioner.

Mr. T.S. Sidhu, Advocate
for respondents No.1 and 2.

Mr. Joypreet Meelu, Advocate
for Mr. J.S. Maanipur, Advocate
for respondent No.3.

NAMIT KUMAR J. (Oral)

Prayer in this writ petition filed by the petitioner under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of certiorari, quashing the appointment of respondent No.3 as Auction Recorder made on 12.06.1987 (Annexure P-6), quashing and setting-aside the order fixing the seniority of respondent No.3 w.e.f. 29.09.1995 (Annexure P-7) and further quashing and setting-aside the order dated 30.04.1989 (Annexure P-9) whereby respondent No.3 has been promoted as Mandi Supervisor after considering the period of adhoc service rendered by the said respondent and to direct the respondents to promote the petitioner as Mandi Supervisor and to grant him all consequential reliefs such as seniority, increments, arrears of

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pay, etc. along with interest @ 18% per annum and to grant all consequential benefits such as seniority, increments, arrears of pay, etc. along with interest @ 24% per annum.

On 18.07.2024, the following order was passed:-

“The instant petition has been filed by the petitioner for quashing the appointment of respondent No.3 as Auction Recorder made on 12.06.1987 (Annexure P-6); order fixing the seniority of respondent No.3 w.e.f. 29.09.1995 (Annexure P-9/A) and order dated 30.04.1999 (Annexure P-9), whereby respondent No.3 has been promoted as Mandi Supervisor-cum-Fee Collector.

Learned counsel for respondent No.3 submits that during the pendency of the present writ petition, the petitioner and respondent No.3 have already retired, therefore, the claim made in the present petition has been rendered infructuous.

There is no representation on behalf of the petitioner.

Let notice be issued to the office of Mr. Rajesh Garg, Senior Advocate, counsel for the petitioner for 05.08.2024.

Learned State counsel shall also get instructions from respondent No.2 about the status of the petitioner and the private respondent.”

Thereafter, on the last date of hearing i.e. 05.08.2024, the following order was passed:-

“In compliance of the order dated 18.07.2024, learned State counsel, on instructions from respondent No.2, submits that the petitioner has retired from service on attaining the age of superannuation on 31.07.2018 and unfortunately died on 18.04.2023 and respondent No.3 has retired from service on 28.02.2014.

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Learned counsel for the petitioner seeks a short adjournment to implead the legal heirs of the petitioner.

Let the needful be done on or before the next date of hearing.

Since the case relates to the year 1999, no further adjournment shall be granted on the next date of hearing.

Adjourned to 05.09.2024.

Meanwhile, notice be also issued to respondents No.1 and 2 for the date fixed.”

Learned counsel for the petitioner submits that despite her best efforts, she has not been able to get instructions from the legal representatives of the petitioner.

In this view of the matter, the present petition is dismissed for non-prosecution.

However liberty is granted to legal representatives of the petitioner to revive the present petition in case any cause still survives.

(NAMIT KUMAR)
JUDGE

05.09.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No