

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

LPA-811-2024 (O&M)

Date of decision:- 25.04.2024

Ramesh Chand Yaduwanshi

...Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. Karan Singh, Advocate,
for the appellant.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

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G.S. SANDHAWALIA, A.C.J. (ORAL)

1. Consideration in the present appeal is to the order dated 20.02.2024 passed by the learned Single Judge in CWP-6176-2022.
2. The learned Single Judge has dismissed the writ petition, whereby the appellant-writ petitioner's claim was for promotion to the post of Head of the Department in Computer Engineering on account of the fact that he was not being considered for promotion. The reasoning which prevailed with the learned Single Judge was that none of his juniors had been considered for promotion and the Departmental Promotion Committee had not been held and, therefore, the appellant-writ petitioner could not claim a right to be promoted.
3. On 01.04.2024, we had passed the following order:-

"It is pointed out from the order passed on 25.10.2021 in CWP-21392-2021 (Annexure P-27) that at that point of time also, the consideration for promotion as Head of the Department of Computer Engineering was not being done on account of the Government considering the closing or the amalgamation of Government Polytechnic Societies. It is, thus, submitted that though the appellant has no vested right as such for promotion, but the State as such cannot deny the consideration for all times to come. It is further pointed out that the appellant is slated to superannuate on 30.04.2024."

Mr. Balyan prays for time to seek instructions.

To come up on 08.04.2024.”

4. The affidavit on behalf of the Deputy Director, Technical Education Department, Haryana, Panchkula has been filed in Court and is taken on record. It has been averred that the appellant-writ petitioner is not the senior most and, therefore, even if considered, would have to compete with the others who are not even parties herein. The detail of the seniors as such has been mentioned as Sandeep Kharab, Sunil Saroha and Rahish Ahmed.
5. Learned State counsel has also taken us through the reply which was filed before the learned Single Judge in the writ petition in which also the same factual stand was taken by the State in paragraph 4 of the preliminary submissions. In the absence of any replication having been filed before the learned Single Judge to this effect, we are, thus, of the considered opinion that the appellant-writ petitioner has no right to claim promotion on priority and the learned Single Judge has, thus, rightly rejected the writ petition. Apparently, the other two seniors, namely, Sunil Saroha and Rahish Ahmed have not even been impleaded in the present appeal and, therefore, at this stage, as the appellant-writ petitioner is to retire on 30.04.2024, no orders are liable to be passed.
6. Resultantly, there is no merit in the appeal which is dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

25.04.2024
Amodh Sharma

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