



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.108

LPA-1400-2024 (O&M)

Date of decision: 07.08.2024

Dharambir Singh

....Appellant

Versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. R.N. Lohan, Advocate,
for the appellant.

Mr. Sanjeev Kaushik, Addl. A.G., Haryana.

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DEEPAK SIBAL, J. (Oral)

1. Through his amended writ petition filed in the year 1998, the appellant sought issuance of directions to the State of Haryana to promote him as Zildar from the date persons junior to him had been promoted with all consequential benefits. The State contested the appellant's claim through filing of a written statement to which the appellant filed a replication. During the pendency of the appellant's petition the State passed an order dated 13.01.2023 through which the appellant was granted deemed date of promotion as Zildar with effect from 29.12.1995 i.e. the date when his juniors were promoted as Zildars. However, his pay, as Zildar, was directed to be fixed notionally.

2. In the light of the afore development, a learned Single Judge of this Court was of the opinion that the appellant's petition had been rendered infructuous and accordingly, through order dated 14.03.2024, disposed of the same. Since the appellant's prayer for the grant of consequential benefits on account of his ante-dated promotion as Zildar had not been adjudicated upon an application was filed by him seeking review of the disposal of the petition as infructuous which application was dismissed by the learned Single Judge on 30.04.2024. Both the orders of the learned Single Judge dated 14.03.2024 and



30.04.2024 have been challenged through the present intra court appeal.

3. After hearing learned counsel for the parties, we are of the view that the prayer made by the appellant through his petition was not only for the grant of promotion as Zildedar from the date his juniors had been promoted but also for all consequential benefits arising out of such ante-dated promotion. Through order dated 13.01.2023, the State granted to the appellant promotion as Zildedar w.e.f. 29.12.1995 i.e. the date when his juniors had been promoted but without any consequential benefits. Thus, only part relief as had been prayed for by the appellant had been granted to him by the order of the State dated 13.01.2023. Therefore, his petition had not been rendered infructuous and consequently, could not have been disposed of as such.

4. In the light of the above discussion, the impugned orders are set aside and the matter is remitted to the learned Single Judge to decide the entire claim made by the appellant through his amended writ petition on its merits.

5. All pending miscellaneous application(s), if any, also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

August 07, 2024
Jyoti 1

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