2025:PHHC:155544

203 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-2492-2000
DECIDED ON: 29.10.2025

DINESH CHAND SHARMA

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Tara Chand, Advocate for the petitioner.

Mr. R.D. Sharma, DAG, Haryana.

*****

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court under Articles 226/227 of the Constitution of India has been invoked for issuance of a writ in the nature of *Mandamus* directing the respondents to promote the petitioner to the post of Clerk, as he is senior most Class-IV employee and also to pay all consequential benefits arising therefrom with interest.

2. Facts

The petitioner was appointed as a Peon (Class-IV employee) in the office of the Deputy Excise and Taxation Commissioner, Ambala on 12.05.1982 and has served with an unblemished record. Being a Matriculate with over five years of service, he became eligible for promotion as Clerk under the Haryana Government policy dated 13.06.1986. Pursuant to a departmental notice dated 10.04.1997, he appeared in the written test held on 22.04.1997, qualified, and was promoted as Clerk vide order dated 23.07.1997. He joined the post the same day.

However, his promotion was arbitrarily withdrawn, and he was reverted to the post of Peon on 26.09.1997 without any notice or hearing. He challenged this in CWP No. 15015 of 1997, which was allowed on 09.02.1998, holding that he would be deemed to have cleared the test and should be considered for promotion as per seniority with consequential benefits. Despite this, his case has not been considered.

The petitioner, being the senior-most Peon in Ambala District, has repeatedly represented for promotion, but the department has ignored his claim despite available vacancies under the 20% promotion quota. The system of departmental test was also abolished by the Government vide letter dated 07.12.1999.

3. Contentions

On behalf of petitioner

It has been submitted by learned counsel for the petitioner that the petitioner, being a Matriculate with over five years of service, was fully eligible for promotion to the post of Clerk under the Haryana Government policy dated 13.06.1986. He duly qualified the departmental test and was promoted on 23.07.1997 after fulfilling all conditions, but his promotion was arbitrarily withdrawn without notice or hearing, violating principles of natural justice. It was argued that the

Division Bench of this Court in a petition i.e. CWP No. 15015 of 1997 (filed by the petitioner) had already held that the petitioner would be deemed to have cleared the test and directed his consideration for promotion as per seniority, yet the respondents failed to act on these directions.

The petitioner asserts that the post of Peon is a District cadre post, and the denial of promotion on the basis of joint State seniority is illegal, arbitrary, and contrary to rules and court directions. It was also pointed out that the Government, vide letter dated 07.12.1999, abolished the departmental test system, further entitling the petitioner to promotion. The continued denial of promotion despite eligibility, seniority, and available vacancies is arbitrary, discriminatory, and in violation of the court's directions.

On behalf of respondent-State

The learned counsel for the respondent–State has submitted that although the petitioner, a Matriculate Peon, was eligible for consideration, he had no vested right to promotion as a matter of course. His name was inadvertently included in the list for the Clerk's test, and his ad hoc promotion order dated 23.07.1997 was issued at the District level in violation of the State-level seniority maintained by the Department. Since his name was not in the approved seniority list circulated on 24.01.1997, the promotion was rightly withdrawn on 07.10.1997. It was further contended that under the Haryana Excise and Taxation Department Subordinate Offices Ministerial (Group-C) Service Rules, 1981, promotions are made strictly on the basis of seniority-cum-merit at the State level. The petitioner, placed at serial number 489 while promotions had been made up to 466, was not yet due. In compliance with the High Court's earlier directions, he was later granted exemption from the departmental test and promoted in due course as **Clerk on 05.11.2001**, **Assistant on 09.01.2017**, and **Taxation Inspector on 20.05.2020** before retiring on **30.09.2022** upon attaining the age of superannuation.

4. Analysis

After hearing the learned counsel for both parties and perusing the record carefully, it emerges that the core grievance of the petitioner pertains to the withdrawal of his promotion to the post of Clerk in the year 1997 and the alleged non-consideration of his case for further promotion thereafter. The petitioner relied upon the order dated 09.02.1998 passed by this Court in CWP No. 15015 of 1997, wherein it was held that he would be deemed to have cleared the test and would be entitled to promotion as per his seniority when his turn matures.

From the material placed on record, it is clear that the petitioner's grievance regarding denial of promotion stands redressed, as he was granted due promotions in accordance with his seniority and the applicable service rules. The earlier reversion order, which was the subject of dispute, lost its relevance once the petitioner was promoted at his proper turn. The petitioner has also enjoyed full service benefits up to his retirement as Taxation Inspector, and no subsisting cause of action remains for adjudication.

Accordingly, this Court finds no merit in the present writ petition. The action of the respondents was in conformity with the applicable rules and seniority principles, and the petitioner has already been extended all consequential benefits arising therefrom.

5. ***<u>Conclusion</u>***

In view of the above analysis, the writ petition stands dismissed. No order as to costs.

(SANDEEP MOUDGIL)
JUDGE

29.10.2025
sham

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