



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

103

RSA-2321-1994

Date of decision : 04.02.2026

Madan Lal

....Appellant

V/S

Market Committee, Amritsar and another

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Vivek Sharma, Advocate for the appellant.

Mr. Bikramjeet Singh Sidhu, Advocate for the respondent.

NAMIT KUMAR, J. (ORAL)

1. The instant Regular Second Appeal has been filed by the appellant/plaintiff impugning the judgment and decree dated 27.07.1993, passed by learned Additional District Judge, Amritsar, whereby the judgment dated 03.10.1991, passed by learned Sub Judge 1st Class, Amritsar, has been set aside and the suit of the appellant/plaintiff, has been dismissed.

2. The appellant/plaintiff filed a suit for declaration to the effect that he is deemed to have been promoted on the post of Auction Recorder/Clerk from 02.09.1986, when Sh. Paramjit Singh and Sh. Balwinder Singh were appointed as Clerks and Sh. Joginder Singh, Sh. Rajinder Singh and Sh. Arun Kumar were appointed as Auction Records.

3. The abovesaid persons were not made parties in the suit and even otherwise, their appointment could not have been challenged

**RSA-2321-1994****-2-**

by the appellant/plaintiff as he had not claim against the direct quota post of Clerk and Auction Recorder. The appellant/plaintiff being Class-IV employee had only right of consideration to the post of Clerk under 20% quota meant for that category and it was also not the case of the appellant/plaintiff that any of his junior was promoted.

3. Learned counsel for the respondent submits that during the pendency of the present appeal, the appellant/plaintiff has already promoted to the post of Clerk in the year 2008 and has retired on attaining the age of superannuation on 31.12.2017.

4. In this view of the matter, learned counsel for the appellant does not press the instant appeal and submits that liberty may be granted to the appellant to approach the department by submitting a representation for claiming retrospective promotion to the post of Clerk in case any junior of the petitioner has been promoted prior to his promotion as Clerk.

5. If any such representation with the abovesaid grievance is filed by the appellant within a period of four weeks from today, the same shall be considered and disposed of by the Competent Authority, by passing a speaking order, within a period of three months from the date of receipt of the same.

6. Disposed of in the above terms.

04.02.2026*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No