

RSA-89-2006 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-89-2006 (O&M)

JOGINDER PAUL

..Appellant

Versus

STATE OF PUNJAB AND ORS.

..Respondents

Reserved on: 07.04.2026

Pronounced on : 08.04.2026

Uploaded on : 08.04.2026

Whether only the operative part of the judgment is pronounced? NO
Whether full judgment is pronounced? YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms. Rimjhim Mahajan, Advocate
for the appellant.

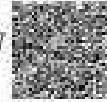
Mr. Animesh Sharma, Addl. A.G, Punjab
for the respondents.

SUDEEPTI SHARMA, J.

1. The present regular second appeal is filed against judgment and decree dated 20.12.2004 passed by learned Civil Judge (Junior Division) Hoshiarpur, whereby, civil suit filed by the appellant was dismissed as well as judgment and decree dated 23.08.2005 passed by learned District Judge Hoshiarpur, whereby, the appeal filed by him against judgment and decree dated 20.12.2004 was also dismissed.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per the pleadings in the civil suit are that appellant joined as Beldar in the year 1975 in the Agriculture Department and was working as such in the office of Agriculture Development Officer, Bulhowal, District Hoshiarpur. He filed civil suit for promotion on the ground that his juniors in the seniority list were promoted



as Sub-Inspector vide order dated 18.02.2000 by Chief Agriculture Officer, Hoshiarpur and despite representations he was not promoted. The civil suit filed by him was dismissed by learned Civil Judge (Junior Division) Hoshiarpur vide its judgment and decree dated 20.12.2004. Thereafter, he filed appeal against judgment and decree dated 20.12.2004, which was dismissed by learned District Judge Hoshiarpur vide its judgment and decree dated 23.08.2005. Hence, the present appeal.

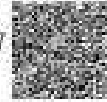
SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:-

3. Learned counsel for the appellant contends that the persons junior to the appellant were promoted as Sub-Inspector ignoring the appellant and still the trial Court dismissed the civil suit filed by the appellant on the ground that he did not clear matriculation examination and was not fulfilling the eligibility criteria for the post of Sub-Inspector. She further contends that learned First Appellate Court also did not take into consideration the fact that appellant was more qualified than the juniors who were promoted. She, therefore, prays that the present appeal be allowed.

4. Per contra learned counsel for respondents contends that the juniors who were promoted were reverted and they filed the Civil Writ Petition No.4992 of 2000, wherein, this Court stayed the reversion order and the writ petition was disposed of as infructuous on 22.01.2020.

5. He further contends that juniors to the appellant were wrongly promoted and the appellants cannot ask for the relief, which was wrongly granted. He, therefore, prays that the present appeal be dismissed.

6. I have heard learned counsel for the parties and have perused the whole record of the case with their able assistance.



7. Admittedly respondents No.4 to 8 were wrongly promoted and reverted also vide order dated 27.04.2000. They challenged the reversion order dated 27.04.2000 by way of filing CWP-4992-2000, wherein, order dated 27.04.2000 was stayed by this court on 08.05.2000. The writ petition was disposed of vide order dated 22.01.2020, which is reproduced as under:-

“Learned counsel for the petitioners submits that the petitioners although had challenged the order dated 27.04.2000 (Annexure P-6) vide which the petitioners were reverted to the post of Beldar from the post of Agriculture Sub Inspector, which order had been stayed by this Court on 08.05.2000, when the case came up for hearing, which interim order continues till date. Counsel contends that the petitioners have superannuated by now and with the efflux of time, the present writ petition would have been rendered infructuous.

Keeping in view the fact that the matter is old and the stay was granted by this Court and by now the petitioners would have been further considered for promotion, no further orders are required to be passed in the present writ petition.

Disposed of as such.”

8. Admittedly the reversion of the respondents No.4 to 8 was stayed and because of the same they continued working as such. Therefore, the appellant cannot ask for the relief, which was wrongly granted to respondents No.4 to 8.

9. Further both the Courts have rightly held that appellant did not fulfill the eligibility criteria to be promoted as agriculture Sub-Inspector.

DECISION

10. In view of the above, I do not find any infirmity and illegality in judgment and decree dated 20.12.2004 passed by learned Civil Judge (Junior



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Division) Hoshiarpur and judgment and decree dated 23.08.2005 passed by learned District Judge Hoshiarpur, the same are hereby affirmed.

11. Accordingly, the present appeal is **dismissed**. Parties are left to bear their own costs.

12. Decree sheet be drawn.

13. Pending miscellaneous applications, if any, are also disposed of.

08.04.2026

Ayub/Sahil

**(SUDEEPTI SHARMA)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*