



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-10379-2019 (O&M)
Date of decision: 08.07.2025

Rishi Dev and others ...Petitioners

VERSUS

State of Haryana and another ...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Sandeep Panwar, Advocate for the petitioner(s).

Mr. Rahul Dev, Addl. AG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

CM-945-CWP-2023

Application is allowed as prayed for subject to all just exceptions. Letters dated 10.11.2022 and 18.05.2021 (Annexures P-7- and P-8) are taken on record.

Registry is directed to tag the same at an appropriate place with its paging.

Main case:

1. The instant writ petition has been filed for seeking directions to the respondents to promote the petitioners with effect from the date of promotion of their juniors.

2. Learned counsel for the petitioners contends that in the present case, written statement had been earlier filed by the Engineer-in-Chief, Irrigation Department, Haryana on behalf of respondents No.1 and 2, averring that Jagdish Chander (whom the petitioners claim to be their junior) was senior to the petitioners and had thus been rightly promoted to the post of Clerk and later as the Sub-Divisional Clerk prior to the petitioners herein. CM-945-CWP-2023 was thereafter filed by the petitioners for placing on record the additional documents contradicting the stand to which reply was



filed yet again by the Engineer-in-Chief, Irrigation Department, Haryana wherein it has been admitted that Jagdish Chander was junior to the petitioners. It was further averred in the aforesaid reply filed to the C.M. that the earlier order of promotion of Jagdish Chander i.e. the junior of the petitioners was later recalled and he was also ordered to be promoted w.e.f. the date when the petitioners herein were promoted to the post of Clerk.

3. Counsel for the petitioners contends that only the order of promotion of Sh. Jagdish Chander to the post of Clerk has been modified by recalling the earlier order and that the subsequent orders of promotion as Sub-Divisional Clerk and as Accounts Clerk had not been withdrawn. In response thereto, which the State counsel, on instructions from Mr. Sandeep Kumar, Assistant, submits that the said argument is misconceived and even the orders of promotion of Jagdish Chander as Sub-Divisional Clerk and Accounts Clerk had been withdrawn and that Jagdish Chander eventually retired as Clerk, as a necessary consequence to the withdrawal of earlier order of his promotion as a Clerk w.e.f. 2010 and re-fixation of seniority.

4. Since the entire claim of the petitioners for seeking ante-dated promotion was based on the promotion of Jagdish Chander (junior to the petitioners) and which such promotion and seniority have already been recast and has been placed below that of the petitioners, hence, the cause of action to pursue the writ does not survive any further. The instant writ petition is accordingly **dismissed**.

(VINOD S. BHARDWAJ)
JUDGE

08.07.2025

Mangal Singh

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