

Dilla Ram Saini vs. The State of Haryana and others

Present: Mr. S.S. Rana, Advocate
for the petitioner.

Ms. Shruti Goyal, AAG, Haryana
for respondents No.1 to 3.

Ajay Tewari, J. (Oral)

By this writ petition, the petitioner has claimed that his case of promotion as Head Clerk should be considered from the date when his juniors were so promoted.

At the very outset, it needs to be mentioned here that though the petitioner has claimed this benefit with respect to Dev Raj Jetly and Varinder Kumar Sethi in the first instance, yet these two persons have not been impleaded as a party. Consequently, no relief can be claimed by the petitioner qua these two persons.

The second limb of the relief which is being sought by the petitioner is that respondents No.4 to 9 were also junior to him and therefore, his promotion as Head Clerk should be made effective at least from the date when respondents No.4 to 9 were so promoted. As regards his seniority qua these respondents, he has relied upon the final seniority list Annexure P-5. In the written statement this averment is not disputed. However, it has been explained that respondents No.4, 5 and 8 were given accelerated promotion on account of the fact that they belonged to the reserved category. Even if the argument regarding respondents No.4, 5 and 8 is accepted, yet no reason has been given in the written statement as to

why respondents No.6, 7 and 9 were promoted prior to the petitioner once admittedly they were below him in seniority as Account Clerk. It is also not stated in the written statement that at the time when respondents No.6, 7 and 9 were promoted the petitioner was not eligible for promotion. Consequently, there seems to be no reason why the petitioner was not considered for promotion on the date(s) when respondents No.6, 7 and 9 were so promoted.

Having been gone through the entire record and the aforesaid facts, I deem it appropriate to allow the writ petition.

Ordered accordingly.

The respondents are directed to consider the case of the petitioner for promotion as Head Clerk w.e.f. the date(s) the respondents No.6, 7 and 9 were so promoted and, in case the petitioner found entitled thereto to grant him the said consequential benefits. Let the necessary exercise be completed within three months from the date of receipt of the certified copy of this order. It is made clear that in case the petitioner is found entitled and any due amount is not paid to the petitioner within the aforesaid period, petitioner would be entitled to claim the same with interest @ 8% from the date/s the amount/s fell due.

March 04, 2015

m. sharma/pooja sharma-I

(AJAY TEWARI)
JUDGE