

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

CWP- 4301-1998 (O&M)
Date of Decision : 21.07.2015

Wazir Chand

..... Petitioner

versus

State of Haryana & Ors.

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. J.S.Maani, Advocate
for the petitioner.

Ms. Shruti Goyal, A.A.G., Haryana.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (ORAL)

By this petition the petitioner has claimed promotion from the date his juniors were promoted.

As regards the two juniors, in respect of one, in the written statement it has been mentioned that he was actually senior to the petitioner. No rejoinder has been filed to this para and consequently the claim of the petitioner qua the respondent No.3 has to be rejected. However with regard to respondent No.4 the respondents have admitted that he was junior to the petitioner but accelerated promotion to him has been defended on the ground that he was a backward caste candidate.

Learned counsel for the petitioner has argued that the seniority list (Annexure R-1) does not disclose that respondent No.4 was backward caste candidate. Further he has also been given a certificate (Annexure P-3) as per which it has been certified that the respondent No.4 was a Kshatriya i.e. a general category candidate. There is no rebuttal to this.

In the circumstances it has to be held that the respondent No.4 had usurped the promotional point which would have otherwise gone to the petitioner because admittedly his record was good and the promotion was to be made on the basis of seniority-cum-merit. However, it has been mentioned in the written statement that the respondent No.4 has since died. Consequently it has to be held that the petitioner was to be promoted from the date the respondent No.4 was promoted.

Resultantly, the petition is allowed. The respondents are directed to consider the claim of the petitioner for promotion from the date the respondent No.4 was promoted and, in case he is found entitled for the same grant him all the mandatory and all consequential benefits (in monetary terms) within a period of three months from the date of receipt of a certified copy of this order. It is made clear that if any due benefit is not granted to the petitioner, he would be entitled to claim the same with interest at the rate of 8% p.a. from the date/s the amount/s fell due till the date of payment.

Since the main case has been decided, the Civil Misc. Application, if any, also stands disposed of.

21.07.2015*Pooja Sharma-I***(AJAY TEWARI)
JUDGE**