

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

**Civil Writ Petition No. 14634 of 2010 (O&M)
Date of Decision: 29.1.2015**

Vinod Kumar Gupta

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Ashok Khubbar, Advocate
for the petitioner.

Mr. Ashok Singh Chaudhary, Additional A.G. Haryana.

Mr. Akshay Bhan, Sr. Advocate with
Mr. Maninder Singh, Advocate
for respondent No.4.

Mr. Shireesh Gupta, Advocate
for respondents No. 5 and 6.

RAMESHWAR SINGH MALIK J. (ORAL)

C.M. No. 7684 of 2013

Applicant seeks permission to place on record a copy of
order dated 7.9.2012 as Annexure R-3/1.

Application is allowed, as prayed for.

C.M. stands disposed of.

Feeling aggrieved against the alleged inaction on the part of respondent authorities, petitioner has approached this Court, by way of instant writ petition under Article 226/227 of the Constitution of India, seeking a writ in the nature of Mandamus.

Learned counsel for the parties are ad idem that representation dated 6.4.2010 (Annexure P-9) submitted by the petitioner was not considered and decided keeping in view the policy instructions dated 18.3.1975 issued by the State of Haryana (Annexure P-11) and the judgment dated 23.1.2012 passed by this Court in CWP No. 5203 of 2010 (Narendra Singh Yadav Vs. State of Haryana). This seems to be the reason that in reply to para 12 of the writ petition, respondents No. 1 and 2 stated that the representation of the petitioner was simply filed, being devoid of merit.

In view of the above, learned counsel for the petitioner fairly states that the petitioner would be satisfied in case respondent No.1 is directed to look into the matter and consider the claim of the petitioner for promotion to the post of Executive Engineer from the date when his juniors namely Sarv Sh. Thakur Lal and Ramesh Chand were promoted.

Having heard the learned counsel for the parties and without expressing any opinion on the merits of the case, lest it should prejudice the rights of either of the parties, the Financial Commissioner and Principal Secretary to Government of Haryana, Urban Development-respondent No.1 is directed to look into the matter, consider the grievance of the petitioner, raised vide his representation dated 6.4.2010 (Annexure P-9), consider him for

promotion to the post of Executive Engineer with effect from the date when his alleged juniors Sarv Sh. Thakur Lal and Ramesh Chand were promoted, and pass an appropriate order thereon, strictly in accordance with law, at an early date but in any case within a period of six weeks from today from the date of receipt of a certified copy of this order, as the petitioner is going to retire in the month of May, 2015.

It is further submitted that while considering the claim of the petitioners for promotion to the post of Executive Engineer, respondent No. 1 shall also keep in mind the policy instructions dated 18.3.1975, communication dated 23.11.2009 issued by the Directorate of Technical Education Annexure P-12 on the issue of equivalency of diploma course with degree course and also the judgment in Narendra Singh Yadav's case (supra). It also goes without saying that respondent No.1 shall pass a speaking and well reasoned order.

With the abovesaid observations made and directions issued, present petition stands disposed of.

(RAMESHWAR SINGH MALIK)
JUDGE

29.1.2015
Ak Sharma