

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

**CWP No.19422 of 2011 (O&M)**

**Date of decision: September 04, 2015**

Anil Singh Dalal

...Petitioner

Versus

Haryana Khadi & Village Industries Board

...Respondent

**Coram: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU**

**Present:** Mr.Pawan Kumar, Sr.Advocate assisted by  
Mr.Rozar Kumar, Advocate for the petitioner.

Mr.Atul Aggarwal, Advocate for the respondent.

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**HARINDER SINGH SIDHU, J.**

The petitioner joined the respondent - Board as Clerk on 6.12.1989. Later, vide order dated 15.9.2008 (Annexure P-2), he was designated as Technical Supervisor (Soap) in his own pay scale. The order Annexure P-2 also stipulated that he will not be entitled to the pay scale of Technical Supervisor (Soap) till the time his services as Technical Supervisor (Soap) are regularized by the respondent – Board and that he would work as Branch Incharge at Consignment Agency, Faridabad.

It is the case of the petitioner that thereafter, he made various representations before the authorities to regularise his services as Technical Supervisor (Soap), but of no avail. However, vide order dated 5.10.2011 (Annexure P-3), the order dated

15.9.2008 (Annexure P-2) designating him as Technical Supervisor (Soap) in his own pay scale was cancelled with immediate effect.

Aggrieved, the petitioner filed the instant petition.

While issuing notice of motion on 17.10.2011, the following order was passed:-

“Contents that vide P2, the petitioner was designated as Technical Supervisor (Soap) in his own pay scale till such time his services were regularised by the Board. Thereafter, instead of regularising and confirming the petitioner on the said post, the respondents have cancelled order (P2) without giving him any hearing.

Notice of motion for 18.01.2012.

Meanwhile, the operation of order (P3) shall remain stayed.”

Ld. Counsel for the petitioner draws attention to para 8 of the petition where it is averred that in the respondent – Board in case of a number of employees who have been working on the lower post instead of being given regular promotion have been given the designation or few of them are being given the regular pay scale/regular promotion also. For example, Shri Som Nath was initially appointed as Peon and thereafter, promoted as Clerk in the year 1982-83 and he was further promoted to the post of District Inspector (Oil) (Technical) on 12.4.2013 in the grade of Rs.1200-2040. Similarly, Shri Sadhu Khan, Junior Auditor was also promoted on completion of training as Assistant Technical (Lime) and he was granted the regular pay scale. Shri Vijay Singh Saini, Statistical Assistant was promoted as Technical Supervisor (Soap). Shri Gurdev Singh Clerk was promoted on completion of training to the

post of Instructor (Fiber). Citing the above precedents, it is contended on behalf of the petitioner that the employees on completion of their technical training, have been promoted on various technical posts and have been granted the pay scale of the post, they have been promoted, either immediately on promotion or after some time. But the said benefit has wrongly not been given to him.

In the reply filed by the respondent, it is stated that the service regulations of the Board provide for appointment of a person to the post of Technical Supervisors/District Khadi and Village Industries Officer. The same is incorporated in sub-clause (c) of Rule 8(1) of the service regulations of the Board, which reads as under:-

*“(c) In the case of Technical Supervisors/District Khadi and Village Industries Officers:-*

*i. By direct appointment on the basis of a qualifying test or interview or both (as may be decided by the Board) to be conducted/ held by the appointing authority provided that the candidate shall be possessing the minimum educational/ technical qualifications prescribed for the post.*

*OR*

*ii. By promotion on the basis of seniority-cum-merit from amongst the (a) Demonstrators (Leather) provided they are at least Matriculate and have 5 years experience as such (b) Instructor (Carpentry and Blacksmithy), Inspector Village Oil Industry, Supervisor (Leather, Assistant Gur Development Inspector, Supervisor (Hand Pounding of Paddy Industry), Instructor (Pottery) provided they are at least Matriculate and have 7 years service as such and (c) Demonstrator Gur Khandsari provided they are at least Matriculate and have 10 years experience as such.”*

It is further stated in the reply that the order dated 15.9.2008 (Annexure P-2) was made by the then Chief Executive at

his own level and is neither competent nor permissible under the said regulations governing the appointments and service conditions in the respondent – Board and accordingly, the said order has been rectified by passing order dated 5.10.2011 (Annexure P-3). The qualification prescribed for the appointment of Technical Supervisor (Soap) is as follows:

*“BA/BSc with supervisory training in NEO Soap Industry conducted by Khadi Commission. However, preference will be given to the experienced hand. Knowledge of Hindi upto Matric is essential.”*

In response to para 8 of the petition, it has been stated that all the persons named in the said para have not been promoted to the posts as stated therein , but have been appointed by the Board to the respective posts. Moreover, they fulfilled the qualifications required for the respective posts. Thus it is specifically denied that any of the persons, so named in the said para, has been promoted.

I have heard Ld. Counsel for the parties.

Vide order dated 15.9.2008 (Annexure P-2), the petitioner had been designated as Technical Supervisor (Soap) in his own pay scale till the time his services as Technical Supervisor (Soap) were regularised by the Board. Vide order dated 5.10.2011 (Annexure P-3) the order dated 15.9.2008 was cancelled. However this Court vide order dated 17.10.2011 stayed the operation of order Annexure P-3. Resultantly, the order Annexure P-2 has continued to be operative. As per this order the petitioner had been designated as Technical Supervisor (Soap) in his own pay scale till the time his services as Technical Supervisor (Soap) were regularised by the Board. It is

admitted that no decision has been taken by the Board regarding the regularisation of the petitioner. In these circumstances it is but appropriate that the issue be considered by the Board.

In view of the aforesaid factual position this petition is disposed of with a direction to the respondent- Board to take a decision regarding the regularization of the petitioner on the post of Technical Supervisor (Soap) and the pay scale admissible to him for the period after his designation as such in terms of the order Annexure P-2. The Board while taking the decision may take note of the instances mentioned in para 8 of the petition. The said decision be taken within a period of two months from the date of receipt of a certified copy of this order. Till the time the decision is taken by the Board, the operation of order P-3 shall remain stayed.

Disposed of.

**September 04, 2015**

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**(HARINDER SINGH SIDHU)  
JUDGE**