

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

CWP no. 12282 of 2014(O&M)

Date of Decision : 10.12.2015

Satya Narain

....Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1)Whether reporters of local newspapers may be allowed to see the judgment?Yes

2) To be referred to the Reporters or not? Yes

3) Whether the judgment should be reported in the Digest? Yes

Present : Mr.Ravi Sharma and
Mr. Sunil Bhardwaj, Advocates for the petitioner

Mr. Hitesh Pandit, Addl. AG, Haryana

MAHESH GROVER, J.

The petitioner was inducted as a Peon with the respondents – Department and functioned as such from 7.4.1980. He was posted on 2.5.1984 as a Fieldman which is also a Class IV post. Ever since then the petitioner has continued to discharge his functions as a Fieldman. His seniority as per the list circulated in the year 2003 and 2012 also reflected him as a Fieldman.

There is a decision which the respondents took by virtue of Annexure P-6 where the posts of Beldar were re-designated as Fieldman.

According to Haryana Subordinate Agriculture (Group 'C') Service Rules 1993,

Class IV employees are enabled to be promoted as Agriculture Inspectors to the

limit of 20%. Rule 9 Clause 29 is extracted herebelow:

“(29) in case of Agriculture Inspector:-

(i) 20 percent promotion from amongst Beldars, Mallis:

Provided that if sufficient number of eligible candidates are not available, for promotion such available, vacancies may be filled in the by direct recruitment and

(ii) 80 percent direct recruitment; or

(iii) by transfer or deputation of as official already in the service of any State Govt. or the Govt. of India.”

Since Baledar and Malis are eligible for being promoted, the petitioner who is working as a Fieldman which post has been equated as a Beldar pleads that he be considered for promotion against 20% quota intended for this category.

The respondents have passed an order transferring the petitioner now as a Peon which is also a source of grievance to the petitioner who contends that since he has worked as Fieldman from 1984 onwards and his name has been reflected in the seniority list of Fieldman in year 2003 and 2012 there would be no occasion to treat him as a Peon to deprive him from promotion to the post of Agriculture Inspector. He contends that this has been done only to deprive him of this promotion.

The facts of the case have not been denied by the respondents but it

is only stated that since the petitioner was appointed as Peon he necessarily has to be treated as one and merely because he functioned as Fieldman since 1984 would not entitle him to be considered as a Fieldman and eligible for promotion as an Agriculture Inspector.

After hearing learned counsel for the parties, I am of the opinion that the claim of the petitioner is justified. Undeniably, he has been working as a Fieldman since 2.5.1984 and for all intents and purposes he is borne on the seniority list as a Fieldman as would be evident from Annexures P-2 and P-3, circulated for the year 2003 and 2012 respectively. It is not denied that the Fieldman and Beldars have been equated and if that be so then the petitioner would fall within the zone of consideration of 20% quota meant for promotion to the post of Agriculture Inspector. Respondents cannot now turn around to deny consideration to the petitioner, in view of what has been stated above. Consequently, instant petition is accepted. Impugned order (Annexure P-5) treating the petitioner as a Peon is set aside and the respondents are directed to consider the claim of the petitioner for promotion as an Agriculture Inspector in accordance with the aforesaid extracted rule by treating the petitioner as a Fieldman which right he has acquired on account of the continuous functioning on this post ever since 1984 i.e barely 4 years after his appointment.

December 10, 2015
rekha

(MAHESH GROVER)
JUDGE