

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

CWP No.127 of 2014

Date of Decision: 28.07.2015

Baljeet Kumar

....Petitioner

Versus

The State of Haryana and another

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. J.P. Sharma, Advocate
for the petitioner.

Mr. Harish Rathee, Sr. D.A.G., Haryana
for the respondent-State.

DAYA CHAUDHARY, J. (ORAL)

The case of the petitioner is that he joined as a Clerk in the Office of respondent No.2 on 20.06.1990. He was promoted to the post of Junior Auditor on 14.05.2001. Thereafter, he was promoted to the post of Assistant against leave vacancy for a period of two months i.e up to 28.08.2003 but he refused to accept the same being a leave vacancy. However, on 07.01.2004, the petitioner was promoted to the post of Assistant against a regular vacancy but he forego his promotion to the post of Assistant for a period of one year.

Learned counsel for the petitioner submits that the petitioner was informed that the benefit of service rendered on the post of Junior Auditor shall not be given while fixing the pay on promotion to the post of Assistant and he shall not be promoted to the post of Deputy Superintendent/Superintendent from the post of Junior Auditor. Learned

counsel further submits that the petitioner made representations, which are annexed as Annexures P-6 and P-7 but those representations have not been considered and the petitioner has not been given promotion even after expiry of period of one year.

Learned counsel for the respondent-State submits that a specific request was made by the petitioner that he wanted to remain on the post of Junior Auditor and no request was made for promoting him to the post of Assistant. Initially, the order was passed for a period of one year but since the request was not made even after that, it is evident that the petitioner was interested in remaining on the post of Junior Auditor.

After hearing learned counsel for the parties and after perusing the decision of the Committee, taken on 08.10.2013, it is clear that the petitioner was considered for retrospective promotion on the post of Assistant and then on the post of Deputy Superintendent/Superintendent but the decision was not acceptable to the Committee as the decision of the Education Department was not binding on the employees of the Health Department. It is also not disputed that some of the juniors to the petitioner, have already been promoted to the post of Assistant and in spite of making representations by the petitioner, which are annexed as Annexures P-6 and P-7, no specific order has been passed as to how the request made by the petitioner, in those representations, has not been considered for promotion to the post of Assistant. Although, learned counsel for the respondent-State has brought to the notice of this Court the request made by the petitioner from the official file, wherein, it has been mentioned that he wanted to remain on the post of Junior Auditor, but he has also placed on record the representations, which are annexed as Annexures P-6 and P-7. Moreover, the present petition has also been filed with the same prayer. The petitioner is entitled for promotion to the post of Assistant after expiry of period of one

year but his representation has not been considered.

In view of the facts as mentioned above, the respondents are directed to decide the representations by passing a speaking order and after giving an opportunity of hearing to the petitioner. The case of the petitioner for promotion to the post of Assistant be also considered within a period of two months from the date of receipt of certified copy of this order.

However, in case, the petitioner is still aggrieved in any manner, he is at liberty to avail the appropriate remedy.

28.07.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE