

Sr.No.240

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP-23110-2013(O&M)

Decided on: 08.10.2015

RambirPetitioner

vs.

State of Haryana and othersRespondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr. Vinod Bhardwaj, Advocate for the petitioner.
Mr.G.S.Wasu, Addl. A.G. Haryana.
Mr. Kanwal Goyal, Advocate for respondent no.3.
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Mahesh Grover, J

This Court while issuing notice of motion had noticed as below:-

“ If the service rules are in the process of undergoing a transformation which could accommodate promotions for the post of Personal Assistant to that of Deputy Superintendent and is at a final stage as stated by the petitioner then there will be a stay of reversion and restoration of status quo ante till the return is received from the 1st respondent as to the status of the service rules and proposed amendments. This interim order has been passed on the strength of the submission that there is no other person in the department who possesses the requisite experience to hold the single post of Deputy Superintendent. The experience of V.K.Sharma, Assistant/respondent No.3 is of about three and half years and is, therefore, yet not eligible for promotion as Deputy Superintendent. Lest the single post is

left unmanned therefore this interim order.”

It is not disputed that two years thereafter the rules have been amended. Even so, the fact remains that respondent no.3 has acquired the experience during this period and would thus also be eligible for the post of Deputy Superintendent. In this eventuality, the apprehension of the petitioner and the reasoning of the Court that a single post be not left un-manned leading to the passing of the interim order of restrain or reversion has lost its relevance.

It may be noticed that the petition was filed purely on the basis of an apprehension and on the premise that it is the petitioner alone who possesses the requisite experience for the post of Deputy Superintendent. Since in the meantime other persons have also become eligible, I am of the opinion that the petition needs to be disposed of with the direction to the respondents to fill up the post of Deputy Superintendent by considering all eligible candidates as of today.

Ordered accordingly.

08.10.2015
mamta

(MAHESH GROVER)
JUDGE