

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no.20319 of 2015(O&M)

Date of Decision :23.09.2015

Ram Singh

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr.Sumit Sangwan, Advocate for the petitioner

MAHESH GROVER, J.

The petitioner impugns the promotion of respondent no.4 as Kanungo granted to him by virtue of order dated 30.7.2015. The solitary grievance of the petitioner against the said promotion is the factum of the said respondent having availed of a promotion as Kanungo on an earlier occasion to abandon it on health reasons which prayer was accepted by the respondent authorities to revert him to the post of Patwari.

Learned counsel for the petitioner contends that having availed of the promotion and abandoned it, respondent no.4 ought to have been precluded from the process of promotion for all times to come, particularly, when he himself has stated in his application (Annexure P-5) making a prayer for reversion that in future he will never claim promotion to the post of Kanungo.

It is pertinent to note that the respondent no.4 was temporarily promoted to

the post of Kanungo vide letter dated 25.6.2010 and barely three months into it he made

a prayer that he does not wish to continue on the promoted post on account of health reasons and seeks reversion to his earlier post of Patwari, which was accepted. 3 years after that respondent no.4 made a prayer that he be considered for post of Kanungo pleading that in 2010 when he abandoned the promotion as his family circumstances warranted abandonment of the promotion as his son was ill with a malignant condition resulting in amputation of his leg but now finding his son on the road to recovery he wanted promotion. Prayer for promotion was accepted by virtue of Annexure P-1.

Learned counsel for the petitioner contends that respondent no.4 was reverted and this debarred him from promotion for all times to come having availed of the promotion. There are instructions on record which state that an official who foregoes his promotion would not be re-considered for atleast one year with person promoted during this period ranking senior to him. These instructions permit deferment of promotion. The petitioner intends to place an interpretation on this deferment to contend as above i.e complete bar on subsequent promotion.

I am afraid no such interpretation can be accepted. Respondent no.4 was clearly offered a promotion which he abandoned within three months citing family circumstances. It is a clear case where he had forgone his promotion and thus stood reverted to his original post. In such circumstances his case for promotion clearly stood deferred with a bar of reconsideration restricted to one year only. Promotion has been granted to him when he made request after 3 years from the deferment. I do not thus find any infirmity in the action of the respondents in promoting respondent no.4 to the

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post of Kanungo. Petition being mis-conceived is dismissed.

September 23, 2015rekha

(Mahesh Grover)
Judge