

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

CWP No. 5061 of 2012

DATE OF DECISION : 08.04.2015

Vijay Kundu and others

.... PETITIONERS

Versus

State of Haryana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Amit Sharma, Advocate,
for the petitioners.

Mr. Sandeep Moudgil, Addl. A.G., Haryana.

Mr. Naveen Daryal, Advocate,
for respondents No.4 and 5.

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SATISH KUMAR MITTAL, J. (Oral)

All the five petitioners are working as Agriculture Development Officer (Farm Implement) in the Department of Agriculture, Haryana. They have filed the instant petition challenging the order dated 09.09.2011 (Annexure P-9) passed by respondent No.1, vide which respondents No.4 and 5 have been promoted to the post of Assistant Agriculture Engineer in the department.

It is the case of the petitioners that respondents No.4 and 5 were promoted by respondent No.1 beyond their quota contrary to the

Haryana Agricultural (Group-B) Service Rules, 1995. Concededly, the petitioners are not eligible for promotion to the post of Assistant Agriculture Engineer as per the Service Rules. In spite of the fact that they have no locus to challenge the aforesaid promotions, the petitioners have filed this petition challenging those promotions only on the ground that in case the direct quota posts, which have been filled by the department in excess, are advertised, they may have a chance to apply against those posts.

The respondents, in their written statement, have not only questioned the locus of the petitioners to challenge the aforesaid promotions, but it has been categorically stated that no person/employee has been promoted in excess of promotion quota under the Service Rules. It has been stated that prior to 29.03.2004, under Rule 9 (1) of the Service Rules, in case of Assistant Agriculture Engineer, quota by way of promotion was 66.2/3%, whereas quota by way of direct recruitment was 33.1/3%. However, the said Rule was amended vide notification dated 29.03.2004 and thereafter, quota of promotion to the post of Assistant Agriculture Engineer was reduced from 66.2/3% to 50% and quota of direct recruitment to the said post was increased from 33.1/3% to 50%. It has been further stated that after the amendment of the Service Rules in the year 2004, only 8 posts of Assistant Agriculture Engineer became available, out of which 4 posts were filled up by way of promotion and 3 posts were filled up by direct recruitment, whereas for filling up one post of direct recruitment

quota, requisition had been sent to the Haryana Public Service Commission. Therefore, no person from the department has been promoted in excess of promotion quota.

It appears, as has been pleaded by the respondents, that the petitioners while approaching this court did not mention about the amendment made in the Service Rules in the year 2004 and only on the basis of old Service Rules, they have raised the contention that persons have been promoted in excess of the promotion quota posts.

In view of the aforesaid clear stand taken by the respondents, we do not find any ground to interfere in the instant petition.

Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

April 08, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE