

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

LPA No. 1749 of 2015 (O&M)

DATE OF DECISION : 08.12.2015

Haryana State Industrial & Infrastructure Development Corporation Ltd.,
Panchkula

.... APPELLANT

Versus

Krishan Kumar and another

.... RESPONDENTS

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

HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present : Mr. Jasmeet Singh Bedi, Advoate,
for the appellant.

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SATISH KUMAR MITTAL, J. (Oral)

Haryana State Industrial & Infrastructure Development Corporation Ltd., Panchkula, has filed this intra-court appeal under Clause X of the Letters Patent against the order dated 27.02.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 20430 of 2013) filed by Krishan Kumar (respondent No.1 herein) was allowed; the communications dated 05.08.2013 (Annexure P-8) and 08.09.2013 (Annexure P-9) were set aside, and the appellant was directed to reconsider the claim of respondent No.1 for promotion to the post of Senior Manager (IA) by granting him five marks for his additional qualification. Needful was ordered to be done within a period of six weeks from the date of receipt of a certified copy of the order.

Though there is delay of 98 days in filing and 93 days in re-filing the instant appeal; and the appellant has filed applications (CM Nos. 3756-57-LPA of 2015) for condoning the said delay, yet we have heard learned counsel for the appellant on merits and have gone through the impugned order passed by the learned Single Judge.

The only issue which was raised before the learned Single Judge was as to whether at the time of considering respondent No.1 for promotion to the post of Senior Manager (IA), he was entitled for five marks on his acquiring additional qualification of degree of AMIE in Civil Engineering as well as the degree of MBA. The post in question i.e. Senior Manager (IA) is a selection post; and as per the prescribed criteria for promotion to the said post by way of selection, five marks have been earmarked for higher qualification, which admittedly were not awarded to respondent No.1. If these marks had been awarded, then certainly respondent No.1 would have been promoted to the post in question. The learned Single Judge considered this aspect of the matter and came to the conclusion that the appellant denied these five marks to respondent No.1 for his higher qualification, without any justification and reason, which resulted in great injustice to him.

The aforesaid finding recorded by the learned Single Judge, in our opinion, does not require any interference. As far as the prescribed criteria for promotion to the post in question is concerned, it is not in

dispute. In this regard, only it has been argued that the degree of MBA acquired by respondent No.1 is in the field of Human Resources, therefore, the same cannot be taken into consideration because the same has no relevance to the post. We do not find any substance in this argument as respondent No.1 was possessing degree of MBA as well as degree of AMIE in Civil Engineering. The degree of MBA is an additional qualification. However, the degree of AMIE in Civil Engineering is higher qualification having relevance to the post. Earlier, respondent No.1 was granted the benefit of the degree of AMIE in Civil Engineering and he was promoted to the post of Manager (Utility) by the appellant Corporation itself. Thus, we are of the opinion that the learned Single Judge has rightly granted the benefit of additional qualification of degree of AMIE in Civil Engineering as well as the degree of MBA, to respondent No.1. We do not find any illegality or perversity in the impugned order passed by the learned Single Judge.

Dismissed.

**(SATISH KUMAR MITTAL)
JUDGE**

December 08, 2015
ndj

**(SHEKHER DHAWAN)
JUDGE**