

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

CWP No. 1683 of 2013

Date of decision : January 12, 2016

Faqir Chand,

..... Petitioner

v.

The State of Haryana and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. ID Singla, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG Haryana

Ajay Tewari, J (Oral)

The petitioner is claiming promotion from the date his juniors were promoted. It is not disputed that the petitioner and the persons against whom he is seeking the benefit were engaged on work charge basis in different Divisions. In those Divisions, some of them earned promotions on work charge basis. However, ultimately all of them came together in Kaithal Circle on 1.5.2010 and were all regularized on the posts they were holding at that particular time.

The claim of the petitioner is that since now he and the other employees are in the same Circle and those employees initially joined after him, he is entitled to be promoted with effect from the date those juniors were given promotions.

The case of the State, on the other hand, is that when the petitioner and the other employees were appointed on work charge bases in different Divisions, there was no question of any inter se seniority between them and like wise when those persons were given work charge promotions as per the availability of posts in their different Divisions, the petitioner had no claim to be considered and if now after a quarter century these persons happen to be serving on regular basis in the same circle, the petitioner cannot claim seniority over them.

I find weight in the argument raised by learned AAG Haryana.

The question of considering the claim of a person vis.a.vis his junior can arise only when the promoted employee was junior on the date of promotion. As mentioned above, on the date when the other employees were promoted, there was no common seniority between the petitioner and them, and consequently on the date when they were promoted, the petitioner could not rake up any such claim. Now that by chance they are all in the same Circle as regular employees, it would not

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improve the case of the petitioner. Consequently, finding no merit in this petition, the same is dismissed with no order as to costs.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

January 12, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No