

**Sr. No. 216
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.19877 of 2013 (O&M)
Date of Decision: 20.09.2016**

Rameshwar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Aayush Gupta, Advocate,
for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

TEJINDER SINGH DHINDSA, J. (ORAL)

Pleadings on record would indicate that the petitioner was engaged as a Store Coolie on 09.03.1984 on work charge basis under the Public Health Department, State of Haryana. His designation was changed from Store Coolie to Beldar w.e.f. 01.01.1993. Thereafter, petitioner was granted benefit of regularization in service on 01.04.1993 in the light of the Regularization Policy carrying even date. Petitioner has thereafter been promoted to the post of Water Pump Operator-II on 30.04.1995.

The instant petition has been filed assailing the seniority list of the cadre of Beldars issued on 21.12.2012 at Annexure P-2 wherein name of the petitioner figures at Sr. No.85.

Petitioner seeks reframing of the seniority list by giving him benefit of seniority in relation to service rendered even on the post of Store Coolie prior to his re-designation as Beldar in the year 1993. Consequentially, the petitioner also has prayed for issuance of a writ of

mandamus for directing the respondent authorities to grant to him benefit of promotion to the post of Water Pump Operator-II w.e.f 25.04.2013 instead of 30.04.2015.

Having heard counsel for the parties at length and perused the pleadings on record, this Court is of the considered view that the claim and prayer raised in the instant petition is wholly misconceived.

The uncontroverted facts are that petitioner had sought change in designation from Store Coolie to Beldar at his own request. As per Haryana Public Health Engineering Department, Circle Cadre Mechanical Establishment (Group 'C') Service Rules 2009, the Store Coolie is entitled to be considered for promotion to the post of Store Munshi. As regards the post of Water Pump Operator-II is concerned the feeder cadre is from amongst Beldars. What clearly emerges is that while working as a Store Coolie, the petitioner was not eligible to be promoted as Water Pump Operator-II. Of his own volition he chose the change of stream and sought re-designation from the post of Store Coolie to that of Beldar. Such request was accepted and he was re-designated as Beldar w.e.f. 01.01.1993. The consequence flowing from such re-designation would be that petitioner would stand to lose seniority in the cadre of Store Coolie. After all such change of designation was at that point of time i.e. in the year 1993 sought by the petitioner to gain advantage so as to eligible for being considered to the promotional post of Water Pump Operator-II.

The request of the petitioner having been acceded to as regards re-designation, the benefit of seniority cannot be granted to the petitioner by counting his service on the post of Store Coolie w.e.f. 09.03.1984 to 01.01.1993 insofar as the cadre of Beldar is concerned.

Even the claim for ante dated promotion to the post of Water Pump Operator w.e.f 25.04.2013 instead of 30.04.2015 cannot be accepted. This is for the apparent reason that service rendered on the post of Store Coolie would not clothe the petitioner any eligibility for consideration for promotion to the post of Beldar as per the Statutory Rules afore-noticed.

For the reasons recorded above, there is no merit in the petition and the same is, accordingly, dismissed.

20.09.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

√
Yes/No

Whether Reportable

√
Yes/No