

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.3027 of 2016
Decided on : 15.02.2016

Sumit Kumar

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.Puneet Gupta, Advocate, for the petitioner.

G.S. Sandhawalia , J. (Oral)

The petitioner challenges the order dated 01.02.2016 (Annexure P3) whereby the officiating charge of the post of Director has been given to respondent No.3-Balwant Singh.

It is the case of the petitioner that the said respondent is junior to him and therefore, the petitioner had a preferential right of being given the said charge. It is, however, not disputed that the arrangement is temporary, which would be clear from the reading of the order whereby the charge has been given till the persons are appointed by regular promotion. The concerned officials have also not been held eligible for the financial benefits, while taking the charge of the higher post.

It has been argued that the petitioner is eligible for promotion to the said post as he has the requisite number of years of service, as per the Punjab State Planning Board (Class-I) Service Rules, 1988. Counsel has been fair enough to point out that the Departmental Promotion Committee's meeting for filling up the posts of Directors, Deputy Directors etc., is fixed for 17.02.2016.

In such circumstances, it is apparent that the official decision is yet to be taken and the petition is premature, on the face of it. It will always be open to the petitioner to show to the concerned respondents his eligibility and whether he is liable to be considered for promotion against the vacant posts of Director.

Accordingly, with the above observations, the present writ petition is disposed of. It shall, however, be open to the petitioner to challenge the absorption of respondent No.4-Chaman Lal, in separate proceedings, if so required.

Copy of this order be supplied to counsel for the petitioner, under the signatures of Special Secretary of this Court.

FEBRUARY 15, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE