

**Sr. No. 108
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.6546 of 2016 (O&M)
Date of Decision: 21.07.2016**

Satbir Singh

... Petitioner

Versus

The State of Haryana and others

... Respondents

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

Present:- Mr. I.D.Singla, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner herein is stated to be working on the post of Beldar under the Public Health Department, State of Haryana.

Challenge in the instant petition is to an order dated 28.11.2013 (Annexure P-2) in terms of which private respondents No.4 and 5 have been promoted to the post of Water Pump Operator-II. Further challenge is to an order dated 16.03.2016 (Annexure P-3) whereby claim of the petitioner seeking the same benefit of promotion as Water Pump Operator-II has been rejected.

The grievance raised by Mr. I.D.Singla, learned counsel appearing for the petitioner is that the private respondents were serving in a different cadre i.e. Mali-cum-Chowkidar and subsequently their cadre was shifted to that of Beldar and have been granted benefit of promotion as Water Pump Operator-II in supersession of the rights of the petitioner who was already serving as Beldar.

Contention raised is that upon change of cadre private respondents No. 4 and 5 should have been put at the very tail end and it was

the petitioner who had a prior right to be considered for promotion to the post of Water Pump Operator-II.

Having heard counsel for the petitioner at length, this Court is of the considered view that no interference is called for and the grievance agitated in the petition cannot be dealt with and examined in the light of pleadings and documents placed on record.

Counsel for the petitioner was called upon specifically to refer to the order whereby there has been a change of cadre in respect of private respondents No. 4 and 5 i.e. from Mali-cum-Chowkidar to that of Beldar. No order in such regard has been adverted to.

The second query put by the Court was to refer to the Statutory Rules under which a Beldar i.e. the post held by the petitioner would be eligible for consideration to the post of Water Pump Operator-II. In response to the query counsel has referred to the Haryana Public Health Engineering Department Circle Cadre Mechanical Establishment (Group 'C') Service Rules, 2009 (hereinafter referred to 2009 Rules). As per Appendix-B to Rule 7 of 2009 Rules, the academic qualifications and experience stipulated for appointment to the post of Water Pump Operator other than direct recruitment have been laid down i.e. five years experience as keyman/ oilman/ petrol man/ pump attendant/ Mali-cum-Chowkidar/ henceforth designated as multi-purpose water worker/ sewer man/ sewer helper/ mechanical helper in the Civil Divisions (senior most amongst the above categories).

A bare reading of the Rule would make it clear and apparent that a Beldar is not even eligible to be considered for promotion to the post of Water Pump Operator.

Counsel during the course of arguments has not been able to dispute such Rule perception.

Since the petitioner has failed to demonstrate before this Court his eligibility to be considered for promotion to the post of Water Pump Operator, the prayer raised in the present petition cannot be accepted.

The writ petition is dismissed.

21.07.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE