

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.7572 of 2015

Date of Decision:- 26.04.2016

Mange Ram

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.K. Daaria, Advocate,
for the petitioner.

Mr. Ravi Partap Singh, Asstt. Advocate General, Haryana.

RITU BAHRI, J. (Oral)

Petitioner is seeking direction to the respondents to promote him on the post of Tractor Driver from 10.05.2013.

Petitioner joined the respondent's department on 26.03.1993 as chowkidar as per seniority list dated 01.01.2014 (Annexure P-1). Some of the persons, who were juniors to the petitioner, have been promoted to the post of Tractor Driver despite the fact that they were not matriculate. The promotion order dated 10.05.2013 (Annexure P-2) has been placed on record and the list/details of the juniors have been given in paragraph 6 of the present petition.

Learned counsel for the petitioner has referred to the seniority list

(Annexure P-1). As per the contents of said seniority list, one Kuldeep Singh, who has been promoted as Tractor Driver, was having the qualification of 3rd standard. This fact has not been disputed by the respondent while replying to paragraph 2 of the main petition on merits and the only ground to deny the promotion to the petitioner is that he was not matric passed and reference has been made to a notification dated 29.01.1998 (Annexure R-1) where essential qualification has been given. As per the appendix 'B' of the said notification, the appointment of tractor driver can be made by promotion by five years experience as cleaner, having license for tractor driving from recognized institute and knowledge of handling petrol, diesel, and electrical engines. Thereafter, an amendment was made on 11.02.2014 (Annexure R-2) where the following qualification and experience for appointment to the post Driver either by direction recruitment or promotion: -

- “i. Metric with Hindi or Sanskrit.
- ii. Should have a valid driving license at least three years old.
- iii. Should have passed the driving test.
- iv. He should not be colour blind.”

Learned State counsel has argued that the petitioner was not qualified with matric and hence his case has been rejected for promotion.

After hearing the learned counsel for the parties and going through the record, this Court is of the considered view that the petitioner was having a driving licence (Annexure P-4) and junior to the petitioner, namely, Kuldeep Singh, has been promoted on 10.05.2013 (Annexure P-2), who was having qualification of 3rd standard. The petitioner cannot be denied the promotion to the post of tractor driver on account of the amendment in service rules, which was made on 11.02.2014. As the juniors stood promoted on 10.05.2013, vide order dated 10.05.2013 (Annexure P-2), therefore, the

present writ petition is allowed and the directions to the respondents to consider the petitioner eligible for promotion to the post of tractor driver and pass appropriate orders in accordance with law, within a period of two months from the date of receipt of certified copy of this order.

April 26, 2016
naresh.k

(RITU BAHRI)
JUDGE