

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

RSA No.1265 of 2012

Date of Decision:15.12.2016

Vir Vikram Singh

... Petitioner

Vs.

Haryana State Agricultural Marketing Board and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. N.C. Kinra, Advocate for the appellant.

Mr. Suvir Sehgal, Advocate for respondent No.1.

P.B. BAJANTHRI J.

In the instant appeal, the appellant has questioned the validity of the appellate court order dated 12.12.2011.

The appellant's name for promotion to the post of Accountant, Assistant Secretary, Executive Officer-cum-Secretary on 4.1.1971, 17.1.1991 and 30.6.1996 respectively was over-looked apparently for the reasons that he was facing disciplinary proceedings and it was pending consideration.

Names of respondents No.2 and 3 admittedly who are juniors to the appellant were also over-looked for promotion to the aforementioned posts. Consequently, respondents No.2 and 3 approached Judicial Forum. It was ended in their favour in the year 2008. Thus, respondents No.2 and 3 were promoted on 9.7.2008 and 29.7.2008 to the post of Accountant, Assistant Secretary, Executive Officer-cum-Secretary w.e.f. 4.1.1971, 17.1.1991 and 30.6.1996 respectively.

In this background, learned counsel for the appellant filed a suit

before the trial court contending that he being senior to respondents No.2 and 3 is also entitled for retrospective promotion to the post of Accountant, Assistant Secretary, Executive Officer-cum-Secretary w.e.f. 4.1.1971, 17.1.1991 and 30.6.1996 respectively.

The trial court decreed the suit in favour of the appellant. The respondent-Haryana State Agricultural Marketing Board preferred an appeal before the appellate court against the decree passed by the trial court. On 12.12.2011, the appellate court reversed the decree passed by the trial court. Thus, the present appeal has been presented.

Short question for consideration in the present appeal is whether the appellant is entitled to promotion to the post of Accountant, Assistant Secretary, Executive Officer-cum-Secretary from the date on which respondents No.2 and 3 were promoted retrospectively or not?

It is not disputed that appellant is senior to respondents No.2 and 3 and it is also not disputed that the appellant was facing disciplinary proceedings and it was ended in exoneration in the month of August 2008. Therefore, the appellant is entitled for promotion to the post of Accountant, Assistant Secretary, Executive Officer-cum-Secretary on par with respondents No.2 and 3.

In view of these facts and circumstances, the appellate court order dated 12.12.2011 is set aside. The respondent-Haryana State Agricultural Marketing Board is directed to consider the name of the appellant for promotion to the post of Accountant, Assistant Secretary, Executive Officer-cum-Secretary w.e.f. 4.1.1971, 17.1.1991 and 30.6.1996 respectively on par with respondents No.2 and 3 who are stated to be juniors to the appellant. The respondent-Board is also directed to examine the

eligibility of the appellant for promotion and if he is otherwise eligible, he be promoted from the date on which respondents No.2 and 3 were promoted and to extend monetary benefits while re-fixing pay. Such exercise shall be completed within a period of four months from today.

Appeal stands allowed.

15.12.2016
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No