

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

CWP No.15112 of 1994 (O&M)

Date of Decision:27.04.2017

Surat Singh Chopra

... Petitioner

Vs.

State of Haryana and another

... Respondents

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

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

Mr. Keshav Gupta, A.A.G. Haryana.

Mr. Ravi Kamal Gupta, Advocate for respondent No.5.

P.B. BAJANTHRI J. (Oral)

C.M. No.5788 of 2017

The application is allowed as prayed for. Final seniority list of Accounts Clerk/Circle Stenographer (Annexure P-3) is taken on record.

Main case

The petitioner has questioned the validity of the promotion of respondents No.3 to 5 to the post of Superintendent cadre and further sought for prohibition to the competent authority not to give effect to the promotions with reference to Annexure P-5 so also he be promoted to the post of circle Superintendent from the date of juniors' promotion against reserve SC vacancy.

Undisputedly, the petitioner was appointed as a clerk on 21.01.1960. Whereas the private respondents have joined services as clerk on 4.3.1960, 10.2.1960 and 16.1.1962. Both the petitioner as well as private respondents were promoted to the post of Sub Divisional Clerk and thereafter to the post of Accounts Clerk. Perusal of the affidavit filed by the

General Manager, Irrigation and Water Resources Department, Haryana, it is evident that the petitioner was promoted to the post of Accounts Clerk on 1.5.1979. Whereas the private respondents promoted to the post of Accounts Clerk on 19.6.1972, 9.4.1973 and 8.6.1973 much earlier to the petitioner's promotion to the post of Accounts Clerk. Thus, rightly or wrongly private respondents were placed over and above the petitioner in the cadre of Accounts Clerk and further to the cadre of Head Clerk. The petitioner has failed to question the promotion orders of the private respondents to the post of Accounts Clerk in the year 1972-73 and further promotion to the post of Head Clerk. He has also not questioned the validity of ranking in the cadre of Accounts Clerk and Head Clerk so as to claim seniority over and above the private respondents to the post in Superintendent cadre with reference to date of entry into service. In the absence of questioning the validity of seniority and promotion of the private respondents in the cadre of Accounts Clerk and Head Clerk, claim of the petitioner for promotion to the post of Superintendent on par with respondents No.3 to 5 is impermissible. Consequently, order of promotion granted to private respondents No.3 to 5 as Superintendent is upheld.

Petition stands dismissed.

27.04.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**