

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CWP No.1225 of 2016

Date of decision:8.12.2017

Ram Kumar

... Petitioner

versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.B.K.Bagri, Advocate,
for the petitioner
Mr.R.K.Doon, AAG, Haryana
...

AMOL RATTAN SINGH, J. (Oral)

In this petition, the petitioner is seeking quashing of the order, Annexure P-10, by which his claim to promotion as a Clerk from the post of a Sweeper has been rejected, his claim being against respondent no.5 herein, Vijender Singh, with the order stating that the petitioner and Vijender Singh belong to separate cadres within the respondent Prisons Department, the petitioner being from the field cadre and Vijender Singh having been promoted in the head office cadre.

Though admittedly Vijender Singh was earlier also from the field cadre, however, it is stated in the written statement filed on behalf of respondents no.1 to 3 (though not stated in the impugned order), that he was transferred to the head office on 30.8.2007, on a mutual transfer request by him and one Ranbir Singh, who was transferred in Vijender Singh's place from the head office to the District Jail Bhiwani, i.e. to the field cadre.

That factual position has not been rebutted by the petitioner, with regard to the mutual transfer.

However, learned counsel for the petitioner submits that even one Om Parkash, who was originally from the field cadre, was promoted on the strength of the head office cadre and therefore, the officials respondents, without actually framing a seniority list in the two cadres, are making promotions on a pick and choose basis, at their whims and fancies.

Upon query as to whether the petitioner is also aggrieved of the promotion of Om Parkash, vide the order dated 27.10.2004 (Annexure P-13), he submits that Om Parkash in any case having been promoted 6 years earlier and being senior to the petitioner even in the field cadre, he has no grievance against such promotion.

That being so, though this Court has little doubt upon a perusal of the order Annexure P-13, that such kind of promotions may have been made by the respondents on a pick and choose basis, as has seemingly been done in the case of Om Parkash, however, the petitioner not being aggrieved of that promotion order and not having been able to show that any other person was promoted over and above him, who was junior to him in the field cadre, I do not see how this petition can be entertained; as, to repeat, respondent no.5 has been promoted after he was transferred to the head office cadre on a mutual transfer request, even though he was junior in the field cadre to the petitioner, with the person posted in his place to the field cadre not having been promoted before the petitioner, and as per learned State counsel, him having been placed at the end of the gradation list of the field cadre, in Group D class of employees.

Consequently, this petition is dismissed; but while doing so, it is directed that the official respondents, if seniority lists are already not in place in respect of each cadre, would frame seniority lists in each cadre, for all posts, within a period of 3 months from the date of receipt of a certified copy of this order.

8.12.2017
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No