

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207

CWP No. 23488 of 2011

Date of decision: 27.01.2017

Shailender Sharma

...Petitioner

Vs.

State of Haryana and Another

...Respondents

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

Present: Mr. Sumit Gupta, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

P.B. BAJANTHRI, J.(ORAL)

In the instant writ petition, the petitioner has questioned the validity of the order dated 13.10.2011 (Annexure P-5) and the condition imposed in the promotion order dated 26.11.2010(Annexure P-2) to the extent that petitioner has been posted as Accountant on his own pay scale and it was also made clear that petitioner shall not claim any promotion for that tenure. There is no infirmity in the order of posting as an Accountant vide order dated 26.11.2010 (Annexure P-2) which is a conditional order the same has been accepted by the petitioner before reporting as Accountant. Further in so far as the Communication dated 13.10.2011 (Annexure P-5) is concerned even though it was stated by the official-respondent that subject matter of cited reference dated 16.06.2011, it has been taken into consideration for the purpose of extending pay scale of Accountant. As long as the petitioner is regularly or officiating on officiation basis to the post of Accountant he is not entitled to pay scale attached to the post of Accountant. During the pendency of the litigation, petitioner is stated to have been promoted to the post of Accountant on 20.01.2016. The petitioner has not made out grounds for

interference to Annexure P-2 insofar as imposition of the condition.

Learned counsel for the petitioner further submits that the Government while exercising powers under Rule 17 of Haryana Municipal Services (Integration, Recruitment and condition of Service) Rules 2010, relaxed passing of one paper for promotion to the post of Accountant to Gulshan Kumar, Rajesh Kumar, Rajinder Kumar and Ashok Kumar, Labh Singh, Balwan Singh, Chander Bhan, Ramesh Kumar, Hans Raj, Desh Raj and Santosh Kumar. Similar relief has not been granted to the petitioner. In this regard, if the petitioner submits representation to the concerned respondent as well as Government, the Government is at liberty to take a decision at par with the aforesaid persons who have been granted relaxation in passing of one paper for promotion to the post of Accountant under the above cited rule. The petitioner is directed to furnish representation within a period of one week from today. Thereafter, the concerned respondent including Government are directed to pass a suitable order within a period of three months.

Petition stands disposed of.

January 27, 2017

Poonam (II)

(P.B.BAJANTHRI)
JUDGE

Whether speaking/ reasoned: Yes

Whether Reportable: No