

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

115+209

**CWP-1898-2014 (O&M)
Date of decision:01.06.2017**

Hari Krishan Gopal Sharma

....Petitioner

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Raman B.Garg, Advocate for the petitioner.

Mr. R.K.Doon, AAG, Haryana.

Mr. Jatinder Nagpal, Advocate for respondent No.3 and 4.

Mr. Shireesh Gupta, Advocate for respondent No.5.

P.B. Bajanthri, J. (Oral)

CM No. 8341 of 2017

This is an application for placing on record final seniority list.

Heard. Allowed, as prayed for subject to all just exceptions.

Final seniority list is taken on record.

Main case.

Petitioner has questioned order of promotion dated 03.03.2011 (Annexure P10) of 5th respondent to the post of Junior Engineer (Electrical) on the score that petitioner is senior to 5th respondent in the cadre of Light Inspector. Method of recruitment to the post of Junior Engineer (Electrical) is 50% by direct recruitment and 50% by promotion from Light Inspector.

For the purpose of promotion 5 years experience as Light Inspector has been prescribed. In this background read with seniority list dated 31.01.2011 of Light Inspectors petitioner is senior to 5th respondent with reference to date of entry into service in the cadre of Light Inspector i.e. w.e.f. 01.11.1986. Whereas, 5th respondent has entered into the cadre of Light Inspector on 07.09.2000.

2. In view of these facts and circumstances, 5th respondent's promotion to the post of Junior Engineer (Electrical) is hereby set aside. Respondents are directed to consider name of the petitioner for promotion to the post of Junior Engineer from 03.03.2011 and extend all consequential benefits including monetary benefits.

3. At this stage, learned counsel for 5th respondent has submitted that both petitioner and respondent No.5 have attained age of superannuation and retired from service. In view of the aforesaid development concerned official respondents are hereby directed to consider 5th respondent's promotion if any vacancy created between 03.03.2011 till date of attaining age of superannuation and retired from service by 5th respondent.

4. With these observation, petition stands allowed.

01.06.2017

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No