

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.14526 of 2017

Date of Decision: July 10, 2017

Pale Ram

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Ashwani Kumar Bura, Advocate, for the petitioner.

Amol Rattan Singh, J. (Oral)

Learned counsel for the petitioner submits that the persons appointed as Beldars subsequent to the petitioner, who was appointed on 21.01.1988 (as contended), have been promoted/re-designated as Mechanical Helpers, Electrical Helpers, Plumber Helpers/Fitter Helpers etc., whereas the case of the petitioner has been rejected on the ground that he had earlier filed a civil suit impleading one Anil Kumar as the only person who had been so promoted. A copy of the judgment in that civil suit is annexed as Annexure P-9 with the petition.

Admittedly, that judgment has become final, without further challenge to it.

Learned counsel submits that however, subsequently, on 13.01.2017, vide a communication Annexure P-15, he has received information under the RTI Act, 2005, that 11 persons appointed well after him were re-designated on various posts, i.e. Mechanical Helpers,

Electrical Helpers, Plumber Helpers/Fitter Helpers etc., between the years 2000-08.

He further submits that yet another person, Dalbir Singh, has been re-designated as a Plumber Helpers on 31.03.2016.

However, as to when Dalbir Singh was appointed as a Beldar is not known to the petitioner.

In the opinion of this Court, as regards the persons who were appointed after the petitioner but re-designated between the years 2000 to 2008, as shown in the communication received by the petitioner under the RTI Act, Annexure P-15, the petitioner can have no grievance at this stage, in view of the fact that if at all he was aggrieved of their re-designation, he should have sought the said information before filing the civil suit in question and impleaded those persons as respondents therein.

However, as regards Dalbir Singh, who is shown to have been re-designated on 31.03.2016 vide the order Annexure P-8, the appropriate authority, i.e. respondent no.3 herein, is directed to consider the petitioners' case as to why he should not be re-designated as a Beldar from at least the date that Dalbir Singh was re-designated as Mechanical Helper/Electrical Helper/Plumber Helper/Fitter Helper etc. (in whichever category he fits), in terms of the instructions Annexure P-1, if Dalbir Singh was appointed as a Beldar after or at about the same time as the petitioner. The Superintending Engineer would also examine as to whether any other person who was appointed after the petitioner has been so re-designated, after the institution of Civil Suit No.RBT-131 of 2014/2015 decided by the Civil Judge (Jr.

Divn.), Bhiwani, on 30.07.2016.

If any person has been re-designated as such after the said date, the case of the petitioner would be considered accordingly and if his case is still to be rejected, that will be done by a speaking order giving detailed reasons as to why he is not eligible, when others appointed after him have been so re-designated by the Superintending Engineer.

The petitioners' case be considered and decided within a period of three months from the date of receipt of a certified copy of this order.

Disposed of

July 10, 2017
vcgarg

(**Amol Rattan Singh**)
Judge

Whether speaking/reasoned:	Yes
Whether reportable:	no