

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

-:-

**C.W.P No. 19538 of 2017 (O&M)
Date of decision: 23.10.2017**

Rajesh Kumar

...Petitioner

Vs.

State of Haryana & Ors.

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Chanderhas Yadav, Advocate, for the petitioner.

G.S.SANDHAWALIA, J. (Oral).

C.M No. 14355 of 2017

Present application is for placing on record the additional affidavit of the applicant.

In view of the averments made in the application, additional affidavit is taken on record.

C.M stands disposed of.

C.W.P No. 19538 of 2017

The petitioner is aggrieved on account of promotion granted to respondent No.5 vide order dated 04.06.2017 (Annexure P/9) as to the post of District Food and Supply Controller on the ground that the said person is junior.

However, it is not disputed that there are four charge-sheets against the petitioner under Rule 7 of the Haryana Civil Service (Punishment and Appeal) Rules, 1987 (for short 'Rules 1987'). These have been appended as Annexure P/2 (dated 18.03.2015), Annexure P/4 (dated 24.11.2016), Annexure P/6 (dated 02.12.2016) and Annexure P/11 (Colly) (dated 21.07.2017). Counsel submits that the last of them has been dropped whereas an enquiry report (Annexure P/10) has come regarding the first charge-sheet

dated 18.03.2015 (Annexure P/2). A perusal of the said enquiry report would going to show that the same is adverse to the petitioner and it is also conceded by the counsel that regarding the two others enquiry officers have been appointed.

In such circumstances, once departmental proceedings are pending against the petitioner, counsel is not in a position to press his claim for promotion, at this stage.

Accordingly, there is no scope to call upon the respondents at this point of time since proceedings are pending under Rule 7 as noticed above. However, liberty is given to the petitioner to approach this Court in case departmental proceedings are not culminated at an early point of time.

Writ petition is accordingly disposed of.

October 23, 2017
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(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No