

Sr. No.210

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.25116 of 2014 (O&M)
Date of Decision:30.10.2017

Ram Nath

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Munish Gulati, Advocate,
for the petitioner.

Mr. Avinit Avasthi, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner who is serving on the post of Beldar under the Punjab State Irrigation Department instituted the instant writ petition in the year 2014 raising a grievance that in spite of being senior to private respondent Nos.5 and 6 in the cadre of Beldars he has been superseded by the order dated 26.06.2014 (Annexure P-1) insofar as the promotion to the post of Cleaner is concerned.

In the response filed on behalf of the State, the factual premise as regards the petitioner being senior to private respondent Nos.5 and 6 is not disputed. However, a stand has been taken that it is not a case of promotion from the post of Beldar to Cleaner but only a case of re-designation simpliciter. State counsel further contends that by virtue of passing of the order dated 26.06.2014 (Annexure P-1) no service condition of the petitioner has been adversely affected.

Be that as it may, a justification has been offered in para 6 of

re-designation as Cleaner by stating that he was never associated with “**mechanical works**” as a Cleaner at any point of time.

Counsel for the parties have been heard.

Even though counsel for the petitioner has not been able to advert to any material/document to demonstrate that the post of Cleaner is a promotional post from the post of Beldar yet he would argue that the duties and responsibilities affixed to the post of Cleaner are distinct from that of Beldar. Counsel states that since juniors having been re-designated as Cleaners, the petitioner is also entitled to be so re-designated on the ground of parity itself.

Without going into the merits of such claim, the instant writ petition is disposed of with a direction to respondent No.4-Executive Engineer, Harike Canal Division, Canal Colony, Ferozepur to examine the claim of the petitioner and to pass a speaking order as regards re-designation of the petitioner on the post of Cleaner within a period of two months from the date of receipt of a certified copy of this order.

Disposed of.

30.10.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No