

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

210

CWP No.5609 of 2013

Date of Decision : 07.02.2017

Ram Lal

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Dr. Suresh Kumar Redhu, Advocate
for the petitioner.

Mr. Jasmeet Singh Bedi, Addl.A.G., Haryana.

AJAY TEWARI, J. (Oral)

By this petition the petitioner claims deemed date promotion from the date his juniors have been promoted.

The admitted facts are that in the year 2012 twenty three seats were allocated to District Hisar. The petitioner who is a Scheduled Caste Candidate was placed at Serial No.24 and consequently his name did not appear in the first list. Up to this point the petitioner has no grouse. However, thereafter 15 persons expressed their unwillingness to

undergo Lower School Course at different times but the petitioner's name was not forwarded while the name of persons below him in the merit was forwarded. In reply these facts have been denied. It has been clarified that since the petitioner was a reserved category candidate it would not be correct to say that the names of persons junior to the petitioner have been sent because those persons belonged to the general category and otherwise higher in merit. It is however not denied that there were particular vacancies for reserved category and the name of the petitioner was not sent against those vacancies. This has been attributed to clerical error though it has been stated that name of the petitioner shall be sent in the next batch.

In my opinion, once the respondents had admitted that there was a mistake on their part in not forwarding the name of the petitioner when it was due they can not now deny the benefit from the earlier date when his name should have been sent.

Consequently, the petition is allowed. The respondents are directed to give deemed date promotion to the petitioner from the date when other persons name who were junior to the petitioners were sent. The petitioner is entitled to all consequential benefits except pay and allowances of promoted post for that period.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

February 07, 2017
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No