

Sr. No.125

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.24918 of 2017 (O&M)

Date of Decision:02.11.2017

Jagtar Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

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

Present:- Mr. V.K.Shukla, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

As per pleadings on record petitioner joined service as 'Gram Sewak' (re-designated as Village Development Organiser) on 27.08.1982 under the Department of Rural Development and Panchayats, State of Punjab.

Petitioner attained the age of superannuation on 30.04.2016 and is currently serving the Department having been granted extension in service.

Counsel submits that a final seniority list of 'Gram Sewaks' was circulated by the respondent department on 07.01.2008 in which name of the petitioner figured at Sr. No.348 and that of his juniors, namely, Lal Chand, Sohan Lal, Vijay Kumar and Ajmer Singh at Sr.Nos.354, 355, 360 and 362 respectively. In the year 2013, names were sought by respondent No.1 of 'Gram Sewaks' from Seniority No.343 onwards for consideration for promotion to the post of Social Education and Panchayat Officer. The service record of certain employees including the petitioner was not made

28.07.2014 (Annexure P-7), other 'Gram Sewaks' noticed hereinabove and who were junior to the petitioner were promoted as Social Education and Panchayat Officer.

Counsel urges that the petitioner was denied his vested right for consideration for promotion to the post in question for no fault of his. That apart counsel has adverted to the order of promotion dated 28.07.2014 (Annexure P-7) whereby his juniors have been promoted and in which it has been specifically recited that the promotion of such employees is being effected on the condition that in case senior employees could not be promoted due to non-availability of service record or pendency of departmental action and if subsequently they are found eligible for promotion on availability of service record, they would be given promotion with effect from the date juniors have been so promoted. It is contended that the right of the petitioner to be considered for promotion to the post of Social Education and Panchayat Officer had crystallized prior to the date of the superannuation of the petitioner. Accordingly, directions are sought to the respondents to consider his claim and to promote the petitioner as Social Education and Panchayat Officer with effect from the date his juniors were so promoted.

Having heard counsel for the petitioner at length and without ascertaining the correctness of the averments made in the petition, I deem it appropriate to dispose of the writ petition with a direction to respondent No.2 i.e. Director-cum-Special Secretary, Department of Rural Development and Panchayats, Punjab to consider the claim of the petitioner in the light of a demand notice dated 08.09.2017 (Annexure P-10) that is stated to have already been served. A final decision be taken by respondent

No.2 expeditiously and in any case within a period of 03 months from the date of receipt of a certified copy of this order.

It is, however, clarified that in the eventuality of the claim of the petitioner as regards promotion as Social Education and Panchayat Officer with effect from the date his juniors were so promoted i.e. 28.07.2014 is upheld, it would be open for the respondent authority to grant the admissible financial benefits on notional basis.

Disposed of.

02.11.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No