

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

**CWP No.8723 of 2013 (O&M)
Date of Decision : 17th January, 2017**

Jasvinder Paul

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Tarundeep Kumar, Advocate
for Mr. D.S.Pheruman, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana
for the respondent(s)-State.

AJAY TEWARI, J. (Oral)

By this petition, the petitioner has challenged the action of the respondents in not granting promotion to him to the post of lecturer.

As per the averments in the petition, the petitioner was working as TGT and had become eligible for promotion to the post of lecturer in the year 2009. In the year 2009, the Government had also directed the District Education Officer to forward the cases of such employees who were eligible for promotion. However, no further action was taken and in the meantime, 2012 rules came into picture. As per the said Rule, the petitioner was rendered ineligible.

Learned counsel for the petitioner has placed reliance on the judgment of Supreme Court in **Y.V. Rangaiah And Ors. vs J. Sreenivasa**

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Rao And Ors. decided on 24 March, 1983, to claim that those vacancies which were in existence prior to the amendment of the rules would have to be filled up under the old rules.

On the other hand, learned State counsel has relied upon the judgment of Supreme Court in **Deepak Aggarwal versus UP 2011 Vol. 6 SCC 7251** wherein the Supreme Court has clarified the judgment of **Y.V. Rangaiah's case (supra)** and has stated that that doctrine would apply only in those situation where the cases of the employees for promotion are under active consideration and in other cases where appointment has to be made on the basis of seniority-cum-merit, the date would be the post is actually sought to be filled up and not the date when the vacancy arose.

Learned counsel for the petitioner is not in a position to place reliance on any judgment contrary to that judgment i.e. **Deepak Aggarwal's case (supra)**.

Therefore, finding no merit in the instant petition, the same is dismissed.

17th January, 2017

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**(AJAY TEWARI)
JUDGE**

Whether speaking

Yes/No

Whether Reportable

Yes/No