

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

CWP No. 7009 of 2017

Date of Decision: 05.07.2017

Vikas Kumar

.....Petitioner

vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Sandeep S. Majithia, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

Though by this writ petition the petitioner seeks quashing of the order dated 20.02.2017 (Annexure P-7), by which he has been reverted from the post of Clerk to that of a Safai Mazdoor, factually it is seen that the said order though belated, is in pursuance to directions issued by this Court in CWP No. 1110 of 2013, wherein, even while dismissing the writ petition itself, this Court had taken suo motu notice of the fact that contrary to statutory rules, Safai Mazdoors had been promoted to the post of Clerks. The order dated 12.03.2013 thus dismisses that writ petition, but directs the Director, Local Self Government Department, Haryana, to file an affidavit justifying such promotions, made by virtue of a letter dated 03.05.1991.

The State having sought time to comply with the aforesaid order on many occasions, as can be seen from the case file of that writ petition which was ordered to be put up along with this one, eventually an affidavit of the Special Secretary to the Government of Haryana, Department of Urban Local Bodies, was filed on 10.03.2015 in that petition, stating therein that 13 employees who were granted promotions in terms of the instructions dated 03.05.1991, were to be reverted.

Thereafter, another additional affidavit is seen to have been filed by the

Additional Secretary of the Department and finally, the last order passed in that petition reads as follows:-

“As the authority has taken action in terms of the directions issued by this Court vide order dated 12.03.2013, no further action is required.

File be consigned.”

Hence, though the action taken in the present case is highly belated, but being in pursuance to directions of this Court upon it being found that the initial promotion of the petitioner and others like him, to the post of Clerks from the post of Safai Mazdoors, was wholly against the rules existent, I see no ground to entertain this petition.

Mr. Majithia, learned counsel for the petitioner, submits that he may actually be allowed to withdraw the petition but with liberty to file a representation to the respondents to consider the petitioners' case for promotion to the post of Assistant Sanitary Inspector, from the date that he would otherwise have become eligible for such promotion, as per the rules governing his service

It is further submitted that there are actually vacancies still lying in that post, i.e. Assistant Sanitary Inspector.

This petition is consequently ordered to be dismissed as withdrawn, with liberty given, aforesaid.

The authority concerned would also take into consideration the fact that the petitioner has been reverted after 09 years and had he not been promoted as a Clerk in the year 2008, he would have obviously continued in service as a Safai Mazdoor (and therefore, may have been entitled for promotion as per rules).

July 05, 2017
nitin

(AMOL RATTAN SINGH)
JUDGE