

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-2085-2016 (O&M)

Date of Decision: April 25, 2017

Chaudhary Charan Singh Haryana Agricultural University and another

.....Appellants

Versus

Manoj Kumar and another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

- | | | |
|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

.....

Present: Mr.Padamkant Dwivedi, Advocate
for the appellants.

Mr.J.S.Mannipur, Advocate
for respondent No.1.

.....

SURYA KANT, J.

The instant Letters Patent Appeal is directed against the order dated 12.08.2016 whereby learned Single Judge has allowed the writ petition filed by respondent No.1 in part with a direction to consider and promote him as Assistant from the date his junior (Surender Kumar) was promoted from the 'Under Graduate Quota'.

[2] The respondent joined the appellant-University as a Clerk on 16.07.2008. He belongs to reserved category of Scheduled Caste. The respondent is said to have obtained a degree from EIILM University, Sikkim on 05.02.2013. Based thereupon, he was promoted as Assistant in the

'Graduate Quota' vide order dated 04.03.2013. Later on, it was found that the said degree was unrecognised as the University itself was a fake institution. Consequently, the respondent was ordered to be reverted on 23.11.2015.

[3] The aggrieved respondent approached this Court and got *ad interim* stay against the reversion order. He consequently continued to serve as Assistant.

[4] At the time of final hearing, learned Single Judge allowed the writ petition in part on finding that even if the Graduate degree of the respondent was to be ignored, he was entitled to be promoted as Assistant under the 'Under Graduate Quota' from the date his juniors including one Surender Kumar was promoted in the said quota.

[5] In deference to the order of learned Single Judge and in terms of the directions issued in this appeal, the respondent has been promoted w.e.f. 12.09.2013 under the 'Under Graduate Quota' namely, the date when his juniors were promoted. In this manner, the promotion of the respondent as Assistant, which was originally made on 04.03.2013 stands postponed to 12.09.2013. There is no denial to the fact that the respondent is now entitled to promotion w.e.f. 12.09.2013. We are, thus, of the view that though initial promotion of the respondent w.e.f. 04.03.2013 was erroneous but he has rightly been promoted w.e.f. 12.09.2013. Since the respondent worked as Assistant from 04.03.2013 to 12.09.2013, let no recovery of arrears of pay be made for the said period. However, for the purpose of seniority or grant of annual increments, the respondent shall be treated to have been promoted

[6] With these directions and modifications, the appeal stands disposed of.

(SURYA KANT)
JUDGE

April 25, 2017
meenuss

(SUDIP AHLUWALIA)
JUDGE

- | | | |
|----|-----------------------------|--------|
| 1. | Whether speaking/reasoned ? | Yes/No |
| 2. | Whether reportable ? | Yes/No |