

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

CWP No.13998 of 2016 (O&M)

Date of Decision: 30.11.2018

Salinder Kumar

... Petitioner

Versus

Chandigarh Housing Board and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Pritam Singh Saini, Advocate,
for the petitioner.

Ms. Aakanksha Sawhney, Advocate,
for respondents No.1 and 2.

ARUN MONGA, J.(ORAL)

Under challenge herein is an order (Annexure P-14) whereby the claim of the petitioner for promotion to the post of Junior Engineer (Electrical) who admittedly is working as work charge employee with Chandigarh Housing Board has been negated.

Learned counsel for respondents No.1 and 2 points out that by virtue of Chandigarh Housing Board (Officers and Servants) Services Regulation, 2003 the petitioner is not eligible to seek his promotion as he has not put in 3 years of regular service being a work-charge employee. It is further contended by learned counsel for respondents No.1 and 2 that since the status of the petitioner whether he can be treated as regular or work-charge employee is sub judice in this Court vide CWP No.23578 of 2014 inasmuch as

the regularization of the other similarly situated work charge employees is the issue therein. That being the position, he contends that the petitioner cannot seek seniority on the basis of work charge employee under the Rules, *ibid*.

This Court while issuing notice of motion in the order dated 27.07.2016 had noted that the other similarly situated employees who were also not eligible as per mandate of the said Statutory Rules (*supra*), having been granted the benefit of promotion cannot be the ground for issuance of similar directions qua the petitioner so as to perpetuate an illegality.

In this view of the matter, notice of motion was confined only to the limited aspect for examining the issue as to how other similarly situated persons, as contended by learned counsel for the petitioner, have been granted benefit of promotion, which benefit the petitioner herein also claims.

Learned counsel for the petitioner points out that during pendency of the writ petition, Chandigarh Housing Board in the Minutes of 406th meeting dated 26.07.2017 has observed that the continuous service rendered by a work charge employee is equally good to be treated as a regular service to seek eligibility for the purpose of promotion.

Be that as it may, the present writ petition has not been filed on the basis of such contentions or seeking benefit in view of said minutes of 406th meeting which have been handed over in Court during the course of the day.

Confronted with a situation, learned counsel for the

petitioner seeks permission of this Court to withdraw the present petition with liberty to approach respondent No.1- The Chairman, Chandigarh Housing Board by moving an appropriate representation based on the said minutes of 406th meeting and further prays that all other contentions of the petitioner be also kept open as raised in this writ petition.

Learned counsel states that petitioner shall be filing representation within a period of 02 weeks from today and a direction be issued to the respondent to decide the same within a reasonable period thereof.

In this view of the matter, respondent No.1-The Chariman, Chandigarh Housing Board, is directed to pass a speaking order on the intended representation within a period of 03 months thereof.

Dismissed as withdrawn with liberty as prayed.

(ARUN MONGA)
JUDGE

30.11.2018
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No