

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25277 of 2012

Date of Decision: 23.08.2018

Prem Raj Singh

... Petitioner

Versus

State of Haryana and others

... Respondents

**CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Mr. G.S. Bal, Senior Advocate,  
with Mr. A.D.S. Bal, Advocate,  
for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. Arvind Seth, Advocate,  
for respondent No.4.

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**RAJIV NARAIN RAINA, J.(Oral)**

1. Mr. Bal has produced and Mr. Seth does not dispute the passing of office orders dated April 03, 2018 granting benefits of ad hoc service to the petitioner during the pendency of the petition.

2. This obviously would mean benefits also towards seniority. This is confirmed by the subsequent order dated August 03, 2018 passed by the authorities re-drawing the seniority between the petitioner and Raman Kumar. The petitioner has been shown senior to Raman Kumar by re-fixation of inter se seniority. Photocopies of both these orders are retained on record as Mark 'A' and Mark 'B'.

3. It happens that Sh. Raman Kumar is Chief Engineer, Municipal Corporation, which is a post in provincialized Municipal Corporation cadre. The petitioner is due to retire on July 31, 2019. He made a statement found recorded in the order dated August 03, 2018 that "he will not claim

benefit/promotion to the post of S.E. if his seniority/promotion orders to the post of Executive Engineer in the near future will be issued by State Government.” The statement is not disputed. However, it is explained by Mr. Bal that it was made by force of circumstances nearing retirement.

4. Heard the learned counsel.

5. In view of supervening events, this petition is disposed of with a direction the respondent-Municipal Corporation, Faridabad to immediately promote the petitioner as Executive Engineer from the due date without delay and within a week. The benefits will be notional and actual payment will run from the date of filing of the writ petition i.e. December 17, 2012. A further direction is issued to the Corporation to consider the case of the petitioner in the rank of Chief Engineer on notional basis since he is now declared senior to Sh. Raman Kumar and such an order would be passed before the petitioner retires on reaching the age of superannuation.

6. This order will be binding on the State Government with a view to facilitate the notional appointment of the petitioner as Chief Engineer from the date junior was promoted.

(RAJIV NARAIN RAINA)  
JUDGE

23.08.2018  
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Whether speaking/reasoned Yes

Whether reportable No