

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

CWP No. 1413 of 2018
Date of decision: 23.01.2018

Suresh Bhardwaj

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Deepak Sonak, Advocate
for the petitioner.

ARUN PALLI, J. (Oral)

The petitioner was appointed to the post of Canal Guard on regular basis on 22.8.2012. He was promoted to the post of Electrician vide order dated 31.8.2017 (Annexure P-7), passed by the Superintending Engineer, JLN Water Service Circle, Narnaul (respondent No.3). However, vide letter dated 27.12.2017 (Annexure P-12), the Engineer-in-Chief, Irrigation & Water Resources Department (respondent No.2), required the Superintending Engineer to review the promotion of the petitioner, for, there existed no provision under the Service Rules that envisaged promotion from Canal Guard to the post of Electrician. As a result, the petitioner has been issued a show cause notice, dated 15.1.2018 (Annexure P-13), as to why the order of his promotion be not withdrawn, for there exists no provision under the Workman Rules for promotion from Canal Guard to the post of Electrician.

Learned counsel for the petitioner submits that the petitioner was fully eligible, which is why he was promoted pursuant to the recommendations of the Promotion Committee. Further, vide letter dated 27.12.2017 (Annexure P-12), respondent No.2 has termed the promotion of

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the petitioner as wrongful and has directed respondent No.3 to withdraw the order passed in this regard. Therefore, it is urged that even if the petitioner responds to the show cause notice, it indeed would cause no difference.

Be that as it may, the fact remains that the petitioner has been granted 15 days' time to respond to the show cause notice and the said period expires on 30.1.2018. Whatever be the cause or grievance of the petitioner, rather than filing this petition, in the first instance, he ought to have filed a suitable/appropriate response to the show cause notice expressing his view point. Thus, in the matter of this nature, this Court is dissuaded to interfere, at this stage. No doubt, respondent No.2, in the letter dated 27.12.2017 (Annexure P-12), termed the promotion of the petitioner as wrongful and required respondent No.3 to withdraw the order of promotion. But, at the same time, it is also observed that the petitioner be given full opportunity to show cause as available under the law. Therefore, if the petitioner chooses to file reply to the show cause notice within the stipulated period, this Court is sanguine that the same shall be considered and dealt with strictly in accordance with law, and de hors of the observations as indicated above.

The petition is accordingly disposed of, in the above terms.

23.1.2018
AK Sharma

Arun Palli
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO