

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

CWP No.22472 of 2016
Date of Decision: 10.12.2018

RATI RAM

....Petitioner

Versus

STATE OF HARYANA AND ORS

....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioner.

Mr. Kiranpal Singh, Addl. A.G., Haryana.

RITU BAHRI, J.(Oral)

The short question for consideration in the present writ petition is that whether the petitioner can be promoted to the post of driver in the District Rural Development Department. The petitioner was appointed as Peon in DRDA vide annexure R-1 and he was promoted to the post of driver in his own pay scale by the on 14.02.2012 (Annexure P-4). Since, there was no provision exists for filling up the post of Driver by promotion amongst the post of Peon in the DRDA Employees Services Rules 2001, the petitioner was reverted to the post of Peon by office order dated 12.07.2012 (P-5) and this order has been challenged by the petitioner after a gap of four years on 16.09.2016.

On notice of this writ petition, the reply has been filed by the respondents and referring to instructions dated 02.09.2014 they have referred to the Rules amended on 24.09.2014 (P-6) whereby the

provision has been made for promotion to the post of driver from the post of a peon. However, as per the note the age of the employee to qualify the driver is restricted to 50 years. It is further stated that the case of the petitioner was considered for promotion and has been rejected vide order 03.04.2017 (R-4) as the petitioner was 51 years of age at the time of promotion. It was further stated that one Shri Savinder Singh was promoted to the post of driver vide order dated 15.07.2016 (R-3) as he was 49 years of age. Hence, the department sent his case for consideration for promotion to the post of driver .

Keeping in view the above stated fact, the petitioner did not qualify as per age criteria and his claim has been rightly rejected.

The present petition stands dismissed.

[RITU BAHRI]
JUDGE

December 10, 2018

rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no