

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

CWP No.1791 of 2018
Date of decision: 29.01.2018

Raman Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Rajesh Arora, Advocate for the petitioner.

ARUN PALLI, J. (Oral)

Petitioner being matriculate and having qualified diploma in Civil Engineering had joined the then Faridabad Complex Administration as Junior Engineer on 25.11.1983. He was promoted as Assistant Engineer on 19.06.1997. Mr. N.D. Vashisth (respondent No.5) was appointed as Junior Engineer on 15.01.1985 and was promoted as Assistant Engineer on 19.09.2000. Which is why, the petitioner purports to be senior to respondent No.5. Services of the petitioner were regularized as Assistant Engineer on 27.08.2009. Next promotion from the post of Assistant Engineer is to the post of Executive Engineer and to be eligible for promotion one requires eight years' experience as Assistant Engineer and an Engineering degree in Civil/Mechanical/Electrical. Petitioner claims to have fulfilled the requisite qualification and experience in the year 2005, but yet he was promoted as Executive Engineer on 27.05.2010. Whereas, Mr. N.D. Vashisth, who happened to be junior to the petitioner, was promoted on 31.07.2008. And even though the representation of the petitioner in this regard was still pending, the respondent authorities further promoted respondent No.5 as

Superintending Engineer on 22.02.2015. Significantly, the Commissioner, Municipal Corporation Faridabad, vide letter dated 26.05.2017 (Annexure P7), wrote to respondent No.2 that since the petitioner happened to be senior to respondent No.5, and his service record was Very Good – Outstanding, yet he was not promoted as Superintending Engineer before respondent No.5. Although vide order dated 27.09.2017 (Annexure P8), petitioner was promoted to the post of Superintending Engineer, however, respondent No.5 was promoted to the said post since 22.02.2015. The precise grievance of the petitioner is; that as he happened to be senior to respondent No.5, he ought to have been promoted prior to respondent No.5. Petitioner purports to have represented to the respondents in this regard. But to no avail. Even the last representation dated 25.12.2017 (Annexure P14), the respondents have been served with, has failed to evoke any response.

That being so, the petition is disposed of, at this stage, only with a direction to the respondents to consider and decide the claim/grievance of the petitioner as also his representation dated 25.12.2017 (Annexure P14) within a period of 8 weeks from the receipt of certified copy of this order. And pass appropriate orders in accordance with law. Needless to assert that in the event the claim of the petitioner is declined, the authority shall pass a comprehensive order assigning reasons in support thereof.

29.01.2018
Rajan

(Arun Palli)
Judge

Whether speaking / reasoned:
Whether Reportable:

YES
NO