

CWP No. 3426 of 2018

Amit Kumar
2018.02.15 18:03
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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No. 3426 of 2018
Date of Decision 15.2.2018**

Rajesh Yadav

...Petitioner.

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Abhishek Yadav, Advocate
for the petitioner.

ARUN PALLI, J. (ORAL)

Notice of motion confined to respondents No.1 to 4 only, at this stage.

On the asking of the Court, Mr. Siddharth Sanwaria, DAG, Haryana, present in court, accepts notice on behalf of respondents No.1 to 4. Copies supplied.

In the nature of order I propose to pass, no formal written statement(s)/counter-affidavit(s) on behalf of the respondents are indeed necessary at this stage. Thus, with the consent of the parties, the petition is being finally disposed of.

The petitioner prays for a direction to the respondents to

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consider his claim for promotion to the post of Executive Engineer from the date, i.e. 31.12.2013, his junior (respondent No.5) was promoted with all consequential benefits.

The petitioner was appointed as Assistant Engineer (civil), with the Irrigation Department, pursuant to an order dated 23.5.2007, on the basis of his qualification, i.e. BE (civil), which he had obtained from Nagpur University. The limited grievance that the petitioner has is; that even though he was placed at No.1 in the gradation list of SDOs, to be considered for promotion to the rank of Executive Engineer, but the respondent department promoted 31 SDOs, who happened to be juniors to the petitioner. The case of the petitioner is that respondent department has ignored his claim, ostensibly, for the degree/certificate issued to the petitioner bears an expression, "Part Time". Whereas, the degree he has acquired is equivalent to Full Time BE regular degree. And is also recognised by AICTE. It is urged that vide letter dated 14.3.2016 (Annexure P-14), the Superintending Engineer, JLN Water Services Circle, Rewari, has also forwarded the representation of the petitioner to the Engineer-in-Chief (Irrigation and Water works Department, (respondent No.2), for consideration and necessary action. And although a considerable time has elapsed, but the claim of the petitioner continues to await consideration by the competent authority.

In response, learned State counsel submits that the claim of the petitioner as also his representation, dated 7.2.2014 (Annexure P-13), shall be considered and dealt with by the respondents within a period of eight weeks from the receipt of certified copy of this order. And appropriate orders, in accordance with law, shall be passed and communicated to the

petitioner.

The petition is accordingly disposed of in the above terms.
However, in the event the claim of the petitioner is declined, the respondent
authorities shall pass a comprehensive order assigning reasons in support
thereof.

15.2.2018
AK Sharma

(ARUN PALLI)
JUDGE

Whether Speaking/Reasoned:
Whether Reportable:

YES / NO
YES / NO