

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 9633 of 2017
Date of decision: August 28, 2018

Krishan Murari

... Petitioner

versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MRS. JUSTICE RITU BAHRI

Present: Mr. S. R. Hooda , Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl. A. G. Haryana.

RITU BAHRI, J.(Oral)

The short point involved for consideration in the present petition is whether the Executive Engineer was competent to promote the petitioner to the post of Gauge Reader vide order dated 28.1.2016 (Annexure P-2).

The petitioner has been promoted from the post of Beldar to the higher rank of Gauge Reader and gave his joining report dated 29.1.2016 (Annexure P-3). He has also placed on record the letter dated 11.4.2017 (Annexure P-4) whereby he has given consent in writing that he is not interested on any further promotion.

Vide order dated 17.4.2017 (Annexure P-5) pursuant to the directions given by the Superintending Engineer dated 11.2.2016 the temporary promotion orders issued to the petitioner were withdrawn. The

Government Irrigation Department notification dated 3.1.2012 (Annexure R-2) the competent authority to make appointment to the post of Gauge Reader is the Superintending Engineer.

Keeping in view this notification that the promotion order (Annexure P-2) was withdrawn vide order dated 17.4.2017 (Annexure P-5). However the petitioner has not been regularly promoted to the post of Gauge Reader vide order dated 16.10.2017 (Annexure R-4). The respondents have also placed on record the promotion order of Class IV employees (Annexure R-6) whereby the promotion orders passed by the Executive Engineer were withdrawn with respect to Class-IV employees due to administrative grounds.

Learned counsel for the petitioner states that even the Executive Engineer was competent to pass promotion orders. Since the post was already vacant when he was promoted on 28.1.2016 and his regular promotion should be from 28.1.2016 (Annexure P-2). His argument is liable to be rejected. He was given temporary promotion on 28.1.2016. Regular promotion has to be given by the Superintending Engineer which has now been given vide office order dated 16.10.2017 (Annexure R-4).

In view of the observations made hereinabove, the writ petition stands dismissed.

(RITU BAHRI)
JUDGE

August 28, 2018
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Whether speaking/reasoned? Yes
Whether reportable? No