

(104) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.2323 of 2017 (O&M)
in CWP No.18702 of 2017
Date of decision: 20.04.2018

Shishupal Singh

..... Appellant

Versus

Punjab and Haryana High Court, Chandigarh

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL.
HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. Gurinder Pal Singh, Advocate for the appellant.

Rajesh Bindal, J.

Order passed by the learned Single Judge dated 22.08.2017 dismissing the writ petition has been impugned by filing the present intra-court appeal.

The appellant, who is working as Reader in the High Court, filed the petition claiming that his date of promotion as Reader be taken as 20.12.2014 instead of 30.05.2015.

Thirteen posts of Readers were advertised on 18.09.2014. The appellant being eligible applied for the same on 29.09.2014. The process of selection was completed. The appellant was at serial No.1 in the waiting list. In the same selection process, Devi Dass Sharma was at serial No.8 in the select list. Devi Dass Sharma was selected as Reader in the selection made in the year 2012, however, was not appointed because of enquiry pending against him. After the enquiry was concluded, Devi Dass Sharma was given promotion from 04.08.2012 i.e. ante-dated on notional basis.

Thereafter, the appellant being at serial No.1 in the waiting list was granted promotion on 30.05.2015.

The submission is that Devi Dass Sharma after he was granted promotion on notional basis from 04.08.2012 should not be considered to be part of select list prepared in pursuance of the advertisement in 2014. Hence the appellant, who was at serial No.1 in the waiting list, would come in the select list and will be entitled to be promoted on the same date when the other selected candidates were appointed.

The appellant in the present case was promoted, as another selected candidate i.e. Sanjeev Garg, who was at serial No.13 in the select list, was repatriated to his parent department on 30.05.2015. As a consequence, a post fell vacant and the appellant was given promotion with effect from 30.05.2015. Devi Dass Sharma was given notional promotion from 04.08.2012 after the enquiry against him was concluded, much thereafter on 17.10.2015.

Keeping in view the aforesaid factual matrix, we do not find any error in the order passed by the learned Single Judge, whereby the claim of the appellant for giving him promotion from 20.12.2014 has been rejected.

Accordingly, the present appeal is dismissed.

(Rajesh Bindal)
Judge

20.04.2018
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(B.S. Walia)
Judge