

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-5573-1995 (O&M)
Date of Decision:-21.02.2019.

Balbir Naswa

.....Petitioner

Versus

State of Haryana through Commissioner & Secretary to Government of
Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

ARUN MONGA, J. (Oral)

The present petition has been filed, *inter alia*, for issuance of a writ in the nature of *certiorari* to quash the order dated 30.03.1995 (Annexure P-4), whereby, the petitioner was deprived of the post of Administration Engineer, which he was holding at the relevant time, on current duty charge since 23.12.1993. It is also the grievance of the petitioner that after divesting him of the current duty charge, one Sh. D.C. Sahu/respondent No.3 has been given the current duty charge in his place.

2.) I have gone through the respective pleadings and have heard the learned State counsel appearing for the respondent-State of Haryana and have also perused the impugned order dated 30.03.1995 (Annexure P-4).

None appeared for the petitioner at the time of hearing.

3.) Learned State counsel points out that the impugned order dated 30.03.1995 has been passed on the basis of a decision rendered by the Hon'ble Supreme Court in the case titled as **“D.K. Jain and others Vs. State of Haryana and others”** reported as **1995 (1) SCT 720**. He further points out that the petitioner has no vested right to seek continuation of his current duty charge as Administration Engineer and he was merely given a current duty charge until a competent/eligible person was found for the said post. He states that the respondents upon having found the eligible person i.e. Sh. D.C. Sahu/respondent No.3, promoted him from Assistant Engineer to the post of Administration Engineer on the basis of his seniority and qualification. Therefore, there is no illegality in the order.

4.) I am in agreement with the contentions of the learned State counsel as noted above. Current duty charge of Administration Engineer had been given to the petitioner till availability of a competent/eligible person for the said post. The petitioner did not have or acquire any vested right to hold the current duty charge of the said post. The impugned order dated 30.03.1995 (Annexure P-4) is fair, reasonable and just. I am of the view that there is no scope of interference by this Court under Article 226 of the Constitution of India

5.) Accordingly, the present writ petition is dismissed. No order as to costs.

(ARUN MONGA)
JUDGE

February 21, 2019.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.