

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

**CWP No.18992 of 2019
Date of decision:16.07.2019**

Ashok Kumar Rawat

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

AMIT RAWAL J. (Oral)

Prayer in present writ petition is for issuance of a writ in the nature of mandamus directing the respondents to consider the claim of petitioner for promotion to the post of Executive Engineer and Superintending Engineer at par with the juniors by removing anomaly with regard to date of promotion by granting antedate promotion as Executive Engineer from the year 2013 instead of 22.01.2019.

Learned counsel for the petitioner submitted that petitioner, vide order dated 17.10.2002 (Annexure P-2), was promoted to the post of Assistant Engineer (Mech.) in the office of Municipal Corporation, Faridabad. After obtaining permission from the department, he obtained a degree in Mechanical Engineering (AMIME) in June 2013. As per Haryana Municipal Corporation Employees (Recruitment & Condition) Service Rules 1998, requisite qualification for promotion to the post of Executive

Engineer is that a person must possess a degree in Civil or Mechanical or Electrical Engineering or its equivalent from any recognized University or Institution with 08 years experience as Assistant Engineer (Civil/Mechanical/Electrical).

The petitioner had 08 years experience as Assistant Engineer till 2013, though he confined his prayer for promotion to the post of Executive Engineer due in 2013 and approached this Court vide CWP No.1020 of 2018 which was disposed of with a direction to the respondents to decide the representation. Vide order dated 22.01.2019, petitioner has been promoted as Executive Engineer but w.e.f 2019 and there is no decision regarding dis-entitling him for promotion w.e.f. 2013. He has made a representation dated 24.04.2019 (Annexure P-13) but no decision has been taken so far.

Notice of motion.

On asking of Court, Ms. Shruti Jain Goyal, Deputy Advocate General, Haryana, who is present in Court, accepts notice on behalf of respondents.

I am of the view that since promotion order dated 22.01.2019 (Annexure P-12) do not reflect any reason as to why the petitioner is not eligible for promotion since 2013 as set out in writ petition as well as in previous writ petition or any reference of rules extracted in para 15 of writ petition, it would be in the fitness of things to seek reasons for not entertaining the claim of the petitioner.

In view of statement made by learned counsel for the petitioner and without going into merit of case or commenting thereon, present writ petition is disposed of with a direction to respondent No.1 to decide the representation dated 24.04.2019 (Annexure P-13) within a period of three months from the date of receipt of certified copy of this order.

In case, claim of the petitioner is accepted, consequential benefits, if any, be released to him, in accordance with law and if the claim of the petitioner is not to be accepted, then a well reasoned and speaking order be passed and conveyed to the petitioner forthwith.

In case, representation is not decided within aforementioned specified time, there shall be costs of Rs.50,000/- to be paid by the concerned officer to the petitioner.

(AMIT RAWAL)
JUDGE

July 16, 2019
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No