

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

CWP No.15429 of 2018 (O&M)

Date of decision : 26.03.2019

Rajesh Kumar Beniwal and another

...Petitioners

Vs.

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Manjeet Singh, Advocate,
for the petitioners.

Mr. Harish Nain, AAG, Haryana.

Ritu Bahri, J. (oral)

Petitioners are seeking direction to the respondents to grant them the benefit of reservation in promotion keeping in view the provisions of Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and the notifications dated 03.02.2017 & 17/19.04.2017 (Annexures P-8 & P-9).

Upon notice, short reply has been filed by the Under Secretary, Government of Haryana, Excise and Taxation Department. Along with the reply, respondents have placed on record copy of order dated 30.01.2019 (Annexure R-1), whereby petitioner No.1 has been granted notional promotion as Assistant Excise and Taxation Officer w.e.f. 17.12.2007 and Excise and Taxation Officer w.e.f. 30.12.2011. His further promotion to the post of Deputy Excise and Taxation Commissioner is under process. A meeting of Departmental Promotion Committee is to be held and agenda for the same will be submitted in due course, before the said committee. If,

petitioner No.1 is found suitable/eligible, he will be promoted to the post of Deputy Excise and Taxation Commissioner in due course.

Vide order dated 30.01.2019 (Annexure R-1), petitioner No.2 has been granted notional promotion as Assistant Excise and Taxation Officer w.e.f. 20.08.2013. He was considered for the post of Excise and Taxation Officer, but was not found fit for promotion in all respects. The reason given is that under Rule 16 (1) of the Haryana Excise and Taxation Department (Group-B) Service Rules, 1988, petitioner No.2 had to pass the departmental examination with the syllabus and other conditions as specified in Appendix 'E' of these rules, within three years of his appointment. Since, petitioner No.2 has failed to qualify the said examination, he has not been promoted.

Learned counsel for the petitioners is not disputing the above facts.

Keeping in view the facts and circumstances of the case, this petition is disposed of by giving direction to the respondents to consider the case of the petitioners for promotion expeditiously, preferable within three months from the date when the same is submitted before the DPC.

26.03.2019
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No