

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

**CWP No.20306 of 2019
Date of decision:17.08.2019**

Parkash Vir

... Petitioner

Vs.

Haryana State Warehousing Corporation

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. R.K.Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

Prayer in present writ petition is two fold : one for quashing of impugned order dated 02.07.2019 (Annexure P-6) whereby current duty charge awarded to the petitioner vide order dated 07.12.2017 (Annexure P-3) has been withdrawn and second, for issuance of a writ in the nature of mandamus for considering the case of petitioner's promotion as Executive Engineer on regular basis as per decision of Board of Directors whereby experience of 10 years has been reduced to 08 years.

Mr. R.K.Malik, learned senior counsel assisted by Mr.Sandeep Dhull, Advocate appearing on behalf of the petitioner submitted that vide order dated 11/18.12.2014 (Annexure P-1), petitioner was appointed as Sub Divisional Engineer (Civil) and vide order dated 1/4.2.2016 (Annexure P-2), deemed date was changed to 01.10.2010. The services of petitioner are

governed by statutory regulations namely “Haryana State Warehousing Corporation (Officers and Staff) Regulations, 1994”. The experience for promotion to the post of Executive Engineer was 10 years. Since two posts of Executive Engineers had fallen vacant, petitioner alongwith one Naresh Kumar, who is senior to the petitioner, vide order dated 07.12.2017 (Annexure P-3) was given duty charge of Executive Engineer.

In the meeting dated 23.04.2018 (Annexure P-4) of the Board of Directors, a condition of 10 years' experience was reduced to 08 years but without assigning any reasons or opportunity of hearing, current duty charge was withdrawn. Since petitioner has already acquired experience of more than 08 yeas as per the amendment in regulations, the department has not initiated any steps for promotion, therefore, sought indulgence of this Court in terms of second prayer.

I have heard learned counsel for the petitioner, appraised paper book and of view that there is no force and merit in the submissions of Mr. Malik vis-a-vis first relief, for, order dated 07.12.2017 (Annexure P-3) giving current duty charge clearly specified that it was till alternative arrangement. A person cannot claim lien on current duty charge, thus, impugned order withdrawing current duty charge cannot be said to be illegal or fallacious.

As regards second prayer, mandamus cannot be issued in the absence of any request by the incumbent. There is no averment in the petition qua representation submitted by the petitioner nor part of record.

At this stage, Mr. Malik, seeks indulgence of this Court with regard to withdrawal of second prayer with liberty to move an appropriate representation.

Ordered accordingly.

Writ petition stands disposed of.

(AMIT RAWAL)
JUDGE

August 17, 2019
savita

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