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

CWP-26160-2015 (O&M)

Date of Decision: May 10, 2019

Arun Sharma

... Petitioner

vs.

Haryana Roadways Engineering Corporation Ltd

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Naresh Prabhakar, Advocate
for the petitioner.

Mr. Satyawan Ahlawat, Advocate
for the respondent.

ARUN MONGA, J.(ORAL)

CM-14491-CWP-2016

Prayer in this application is for placing on record replication
alongwith Annexures P-16 and P-17 and exemption from filing the
certified copies of Annexures P-16 and P-17.

For the reasons stated in the application, the same is allowed.
Replication alongwith Annexures P-16 and P-17 are taken on record,
subject to all just exceptions.

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Impugned herein is order dated 21.09.2015 (Annexure P-15)
passed by the respondent, whereby, the petitioner was reverted back to the
post of Junior Auditor with effect from the date he was promoted as
Superintendent i.e. 08.10.2008. The only ground of reversion, as per the
impugned order, is non-approval of creation of post of Superintendent by
Haryana Bureau of Public Enterprises, as it did not agree to the proposal

of the original promotion of the petitioner from the post of Junior Auditor to Superintendent vide order dated 08.10.2008 (Annexure P6).

2. At the outset, learned counsel for the petitioner submits that without dwelling deep into the matter, the entire genesis of the impugned order is unsustainable in view of the position in law being fairly well-settled that in matters of promotion and pay fixation, Haryana Bureau of Public Enterprises, has no jurisdiction either to accord any sanction or deny the same to the employee of Boards and Corporation in State Haryana.

3. Learned counsel relies on a judgment rendered by this Court in **Pawan Kumar and others vs. Uttar Haryana Bijli Vitran Nigam Limited**, reported as 2014 (2) PLR 209, which in turn was relied by a Co-ordinate Bench of this Court in **CWP-4183-2013**, in case titled **Dinesh Kumar vs. State of Haryana and another** (Annexure P-16).

4. I have gone through the pleadings and after hearing the arguments of learned counsel for the parties, I am of the view that the case of the petitioner is squarely covered by the judgments, *ibid*.

5. It is no more *res-integra* that Haryana Bureau of Public Enterprises has no jurisdiction over the matters of promotion or pay fixation and, therefore, non-approval of the sanction of the same by the Bureau could not have been the ground of denial of the benefit which was rightly conferred to the petitioner vide order dated 08.10.2008 (Annexure P-6).

6. In the premise, impugned order dated 21.09.2015 (Annexure P-15) does not stand the judicial scrutiny and is untenable. The same is, therefore, quashed and the promotion granted to the petitioner vide order

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dated 08.10.2008 (Annexure P-6) is restored with all consequential pecuniary benefits to be granted to the petitioner with interest @ 8% per annum.

7. Let the needful be done within a period of three months from the date of receipt of certified copy of this order.

May 10, 2019
smriti

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No