

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

L.P.A. No.1930 of 2017 in
Civil Writ Petition No.1368 of 2012
Date of decision: November 25, 2019

State of Haryana and another ...Appellants

Versus

Virender Singh ...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA,
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr.Sharad Aggarwal, Assistant Advocate
General, Haryana for the appellants.

Mr.Ram Niwas Sharma, Advocate for
the respondent.

HARINDER SINGH SIDHU, J.

1. The State of Haryana has filed the Letters Patent Appeal against the judgment dated 20.04.2017, whereby, CWP No.1368 of 2012 filed by respondent Virender Singh has been allowed.
2. The respondent had filed the petition seeking a direction to modify the order dated 21.04.2011 to the extent that he be treated as promoted to the post of Superintendent w.e.f. 27.04.2008 when he fulfilled the requisite qualification of three years experience in the cadre of Deputy Superintendent.
3. The respondent was promoted to the post of Deputy

Superintendent on 27.04.2005. The next promotional post was that of Superintendent. As per the Haryana Education Department Sub-offices Ministerial (Group-C) Service Rules, 1983, three years experience as Deputy Superintendent was required for promotion to the post of Superintendent. Even though, the respondent and some other Deputy Superintendents were not eligible for promotion to the post of Superintendent, they were granted Current Duty Charge of the post of Superintendent on 29.09.2006 in their own pay scales. The respondent and the others were finally promoted to the post of Superintendent on 21.04.2011.

4. The respondent filed the writ petition seeking rectification of the date of promotion from 21.04.2011 to 26.04.2008 i.e., the date when he fulfilled the qualification of three years experience in the cadre of Deputy Superintendent. His claim was resisted by the Department on the ground that mere completion of three years of service would not mean that the respondent was entitled for promotion to the post of Superintendent. It was for the Department to assign the date of promotion.

5. Ld. Single Judge considering the fact that on 29.09.2006 when the respondent was promoted to the post of Superintendent in his own pay scale of Deputy Superintendent, the post of Superintendent was available and that it was only for lack of experience of three years that he was not promoted as Superintendent and that since then the respondent had continued to hold the post of Superintendent though in his own pay scale of Deputy Superintendent till 21.04.2011 when he was promoted as

Superintendent, directed the appellants to rectify the date of his promotion from 21.04.2011 to 26.04.2008, the date on which he completed three years of service in the cadre of Deputy Superintendent, for promotion to the post of Superintendent and grant him all consequential benefits.

6. In view of the afore- stated factual position, we see no reason to interfere with the judgment of the Ld. Single Judge.

7. The appeal is accordingly dismissed.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

November 25, 2019
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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No