

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

LPA No. 1866 of 2019 (O&M)

Date of decision: 22.11.2019

Chhaju Ram

.. Appellant

vs

Chaudhary Charan Singh

Haryana Agricultural University, Hisar and another

.. Respondents

**Coram: Hon'ble Mr. Justice Ravi Shanker Jha, Chief Justice.
Hon'ble Mr. Justice Rajiv Sharma**

Present Mr. Sunil K. Nehra, Advocate, for the appellant.

Ravi Shanker Jha, Chief Justice

1. The appellant has filed the present appeal being aggrieved by the order dated 16.10.2019 passed in CWP No. 16207 of 2017 dismissing his petition, wherein he had prayed for quashing of the impugned roster.

2. It is submitted by learned counsel for the appellant that rules for public service of Engineer Class-II PWD provide for 100% promotion on the post of Sub-Divisional Engineer from the post of Junior Engineer. It is stated that these Rules were adopted by the Chaudhary Charan Singh Haryana Agricultural University, Hisar, for the purpose of making promotions therein. It is stated that subsequently the University in pursuance of the decision taken by the Board of Management amended the provisions of the Rules as applicable to them provided for filling up the posts of Sub-Divisional Engineers through promotion by breaking up the quota and reserving 75% posts for Junior Engineer Cadre, 8% posts for Draftsman and Tracer Cadre, 14% posts for Junior Engineer cadre possessing qualification prescribed by the Haryana Government and 3% posts for Draftsman and Tracers cadre possessing qualification prescribed

by the Haryana Government. For the purpose of implementing the amended provisions an 8 point roster has been notified, which provides the first three posts in the roster point to be filled up from the Junior Engineers, the 4th point from the cadre of Junior Engineer possessing qualification prescribed by the Haryana Government, then the 5th, 6th and 7th points to be filled up from the cadre of Junior Engineers and 8th point to be filled up from the Draftsman and Tracer Cadre.

3. The petitioner, who is working on the post of Circle Head Draftsman, assailed the aforesaid roster on the ground that the roster should have, in fact, provided for the 1st and 2nd roster point being reserved for the Junior Engineer Cadre possessing qualification prescribed by the Haryana Government and the Draftsman and Tracer, respectively, instead of reserving 4th and 8th point in the roster for them. It is submitted that 87.50% of the posts are already occupied by the Junior Engineers and in such circumstances they have already exceeded over the quota prescribed for them under the Rules and therefore, the authorities be directed to fill all the vacancies arising from the quota available from the Draftsman and Tracer Cadre and the Junior Engineer Cadre possessing qualification prescribed by the Haryana Government.

4. The learned Single Judge has taken into consideration all the aforesaid aspects and held that the roster is in accordance with the provisions of the Rules which provides for 75% reservation in promotion for Junior Engineer Cadre, 14% for Junior Engineer Cadre possessing qualification prescribed by the Haryana Government and 8% for Draftsman and Tracer Cadre. The learned Single Judge has held that in such circumstances no fault could be found with roster which provided for the

first three posts for the Junior Engineer, 4th post for the Junior Engineer Cadre possessing qualification prescribed by the Haryana Government, 5th, 6th and 7th point for Junior Engineer Cadre and the 8th point for Draftsman and Tracer Cadre for whom only 8% posts are prescribed under the Rules.

5. Apparently the aforesaid facts considered and analysed by the learned Single Judge in the impugned judgment, are in accordance with law and does not suffer from any illegality or perversity as 75% posts have been reserved for persons belonging to Junior Engineer Cadre. The roster rightly provides for reserving the first three posts in the roster point for them and 4th point for other cadres.

6. We respectfully agree with the findings recorded by the learned Single Judge, as we are also of the considered opinion that the aforesaid roster is in conformity with the Rules. The appellant cannot claim for a direction to reserve particular roster point for the Draftsman and Tracer Cadre, which reservation would amount to violation of the statutory provisions governing promotion as the roster point is prescribed in conformity with the provisions of the Rules. We do not find any illegality or perversity in the roster warranting interference.

7. The appeal filed by the appellant is without any merit and accordingly, the same is dismissed.

(Ravi Shanker Jha)
Chief Justice

22.11.2019
vs

(Rajiv Sharma)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No