

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

CWP No.37916 of 2018
Date of decision : 03.05.2019

Birinder Kumar Kardam

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Anil Shukla, Advocate,
for the petitioner.

Ritu Bahri, J. (oral)

Petitioner is working as Executive Engineer in the Municipal Corporation. His appointment and further promotions are governed by the Haryana Municipal Corporation Employees (Recruitment and Conditions) Service Rules, 1998 (for short '1998 Rules'). He is challenging the order dated 12.11.2018 (Annexure P-8), whereby Satyawar Singh-respondent No.4 has been promoted from the deemed dates to the posts of Municipal Engineer, Executive Engineer and Superintending Engineer w.e.f. 12.01.2004, 21.08.2009 and 10.08.2016 respectively.

A perusal of the impugned order dated 12.11.2018 (Annexure P-8) shows that services of Satyawar Singh-respondent No.4 are governed by the Haryana Municipal Services (Integration, Recruitment and Conditions of Service) Rules, 2010 and the petitioner is member of a separate cadre. He has right to be promoted as per sanctioned post according to 1998 Rules. Moreover, case of Satyawar Singh, Municipal Engineer, was considered keeping in view the Civil Court decree dated 29.08.2012.

The said suit was filed by one Sh. Hari Kishan Sharma against Rakesh Kumar Verma and four other Junior Engineers. Pursuant to the said decree, Ramesh Kumar Sharma was placed below Satyawar Singh in the seniority list. Case of the present petitioner was considered for grant of retrospective promotion to the post of Municipal Engineer, Executive Engineer and Superintending Engineer at par with Thakur Lal keeping in view the amended seniority list. Seniority of Satyawar Singh-respondent No.4 is in no way adversely affecting the rights of present petitioner, who is governed by separate Rules and Regulations. Hence, the petitioner has no locus standi to challenge the impugned promotion order dated 12.11.2018 (Annexure P-8).

No merits.

Dismissed.

03.05.2019
ajp

(RITU BAHRI)
JUDGE

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