

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

**CWP No.5886 of 2019**

Date of Decision: 24.2.2020

Jagdish Rai Gupta

.....Petitioner

Versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR**

Present: Mr. Sandeep Panwar, Advocate, for the petitioner.

Mr. Gaurav Jindal, Additional Advocate General, Haryana.

**NIRMALJIT KAUR, J. (Oral)**

Prayer in the present petition is for setting aside the order dated 2.2.2015, vide which, the request for notional benefits to the petitioner on the post of Sub Divisional Engineer w.e.f. 1.1.1984, has been rejected as also the order dated 22.1.2019 being illegal and discriminatory with a further prayer to promote him on the post of Sub Divisional Engineer w.e.f. 1.1.1984 instead of 1.1.1985 against one balanced vacancy of AMIE quota at par with similarly situated person Ramesh Chander, who got promotion on the basis of AMIE degree in pursuance to the order dated 24.2.2014 passed by this Court.

It is contended that the petitioner is seeking promotion on the post of Sub Divisional Engineer w.e.f. 1.1.1984. He retired in the year 2007. However, the respondents vide order dated 18.1.2011 granted him promotion on the said post w.e.f. 1.1.1986. Thereafter, once again the respondents vide their order dated 2.2.2015 amended the date of grant of promotion and granted the promotion w.e.f. 1.1.1985, whereas, it should be

w.e.f. 1.1.1984 in view of the same having been granted to one Ramesh Chander.

Reply has been filed. As per the said reply, Ramesh Chander passed his AMIE degree in the year 1984. He became eligible for promotion to the post of Sub Divisional Engineer under AMIE category on 1.1.1985. There was only one vacancy meant for AMIE as on 1.1.1985, which was given to one senior to Ramesh Chander. Ramesh Chander was wrongly promoted in his quota w.e.f. 1.1.1986 on regular basis. It came to knowledge that the name of Ramesh Chander was wrongly shown against the vacancy of the year 1984 by typographical error. Accordingly, the promotion order has since been withdrawn by the Government vide order dated 17.10.2015. Thus, the case of the petitioner that he should be equally equated with Ramesh Chander, does not survive.

At this stage, learned counsel for the petitioner submitted that there were three vacancies and not two.

However, as per the reply of the respondents it is an old record more than 50 years ago and there was no record available in the office and therefore, it was difficult to calculate the vacancies. Moreover, yearwise vacancies of SDE (Civil) meant for promotion quota of AMIE category were calculated by adding the direct recruitment quota as per gradation list. Ramesh Chander was given promotion w.e.f. 1.1.1984 inadvertently vide order dated 10.7.2014 but the same was withdrawn.

This Court may further note that the petitioner is seeking promotion w.e.f. 1.1.1984. No doubt, the respondent-authorities have granted him notional promotion on 2.2.2015 w.e.f. 1.1.1985 but the fact remains that his request for promotion w.e.f. 1.1.1984 is only on the basis of

the promotion granted to Ramesh Chander vide order dated 10.7.2014. However, the said order having been withdrawn vide order dated 17.10.2015 placed on record as Annexure R-1, the very basis for seeking promotion w.e.f. 1.1.1984 instead of 1.1.1985, does not survive.

The argument that the earlier order dated 10.7.2014 withdrawing the promotion to Ramesh Chander is wrong, does not help the petitioner. If at all, the aggrieved person is Ramesh Chander, who as on date has not challenged the same.

Dismissed accordingly.

**(NIRMALJIT KAUR)**  
**JUDGE**

**24.2.2020**  
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| Whether Speaking/Reasoned : | Yes/No |
| Whether Reportable :        | Yes/No |