

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

224

CWP-9291 of 2020

Date of decision :-22.09.2020

Naresh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Naveen Daryal, Advocate for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana
for respondents No.1 to 5.

Mr. Dharamender Singh Rawat, Advocate
for respondents No.6 to 9.

SUVIR SEHGAL, J.

The hearing of this petition has been taken up through video conferencing on account of outbreak of Covid-19 pandemic.

The service upon the respondents is complete.

Mr. Dharamender Singh Rawat, Advocate has put in appearance on behalf of the private respondents No.6 to 9.

The petitioner has approached this Court under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of the impugned orders dated 31.10.2019, 16.04.2020 and 11.05.2020 (Annexures P-8 to P-10), respectively, whereby his juniors-respondents No.6 to 9 have been promoted to the post of Block Development and Panchayat Officer (for short "BDPO") ignoring the claim of the petitioner. A further direction is sought to the official respondents to consider his name for the promotional post with effect from the dates his juniors have been promoted along with all consequential benefits including interest.

Counsel for the petitioner has argued that the petitioner is senior to the private respondents No.6 to 9 on the post of Social Education and Panchayat Officer. He submits that the petitioner possesses the requisite qualification as laid down in the Haryana Development and Panchayat Department (Group-B) Service Rules, 2016 and is fully eligible for promotion to the post of BDPO, but the official respondents have ignored his claim and promoted the private respondents vide impugned orders (Annexures P-8 to P-10). It has been contended by the counsel for the petitioner that the petitioner is superannuating from service on 31.10.2020 and the official respondents are not taking a final call on his case of promotion.

State counsel has filed a short reply by way of affidavit dated 21.09.2020 of Special Secretary to Government of Haryana, Development and Panchayats Department, on behalf of respondents No.1 to 5, which is taken on record. On the basis of the affidavit, he submits that the case of promotion of the petitioner is under consideration and a decision thereon will be taken in due course of time. He has referred to paras 2 and 3 of the affidavit, which deserve to be noticed and are reproduced hereunder:-

“2. ..That the petitioner was appointed as Gram Sachiv in the respondent-Department under Ex gratia scheme on 11.02.1988. Later on, the petitioner was promoted to the post of Social Education and Panchayat Officer (SEPO) vide order dated 22.07.2016.

3. .. That as per Haryana Development and Panchayat Department (Group B) Service Rules, 2016, one of the essential qualifications for promotion to the post of Block Development and Panchayat Officer (hereinafter referred to as BDPO) is

graduation. It is pertinent to mention here that the qualification of B.A. passed by the petitioner was not mentioned/recorded in the seniority list of Gram Sachiv and, therefore, his name was not considered for promotion to the post of BDPO. However, the qualification of the petitioner has now been updated in the records of the respondent-department. The case of promotion of the petitioner is under consideration and if he fulfills all the essential eligibility criteria, promotion to the post of BDPO will be given to the petitioner within due course of time.”

Considering the fact that the petitioner is on the verge of retirement, it will be expedient to dispose of the writ petition with a direction to the competent authority to take a final decision on the case of the petitioner for promotion to the post of BDPO from the date his immediate juniors have been promoted within a period of three weeks from the date of this order. In case the petitioner is found entitled to be promoted with effect from the date his juniors were promoted, he shall be granted all the consequential benefits. However, if it is found that the petitioner is not eligible or entitled for promotion, the competent authority will pass a speaking order giving reasons for rejection of his promotion case and communicate the order to the petitioner within a period of one week thereafter.

With these directions, the writ petition is disposed of.

22.09.2020
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No