

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.11497 of 2017 (O&M)

Date of Decision: 18.02.2020

Ramphal Jaglan

.....Petitioner

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Sanjiv Gupta, Advocate,
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

RITU BAHRI, J. (ORAL)

Petitioner-Ramphal Jaglan was appointed as Assistant Engineer (Civil) vide appointment letter dated 16.05.2007 (Annexure P-5). As per seniority list (Annexure P-6), his name figured at serial No.880. Claim of the petitioner for promotion to the post of Executive Engineer was rejected on the ground that he had done his B.Tech. (Civil) from distance education. Grievance of the petitioner was that his juniors were promoted vide order dated 31.12.2013 (Annexure P-19).

During the pendency of this petition, petitioner has expired on 03.12.2017 and thereafter, his LRs have been impleaded vide order dated 22.10.2018.

Learned counsel for the petitioner(s) contends that as per judgment passed by Hon'ble the Supreme Court in **Orissa Lift Irrigation Corp. Ltd. vs Rabi Sankar Patro and others**, AIR 2017 SC 5179, one opportunity was granted to all the petitioners, who had acquired the qualification through Distance Mode and had been enrolled between 2001

to 2005, to clear the examination under the supervision of AICTE/UGC and then their distance education can be considered for the purpose of promotion.

In the present case, the petitioner had died on 03.12.2017 and could not comply with the judgment passed in Orissa Lift Irrigation Corporation's case (supra).

In view of the said fact, petition is dismissed as the petitioner could not qualify the examination as per aforesaid judgment. LRs of the petitioner, who have already been impleaded in this petition, can take appropriate steps in accordance with law claiming benefit under the ex-gratia scheme.

(RITU BAHRI)
JUDGE

18.02.2020
ajp

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