IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19568 of 2013 (O&M)
Date of Decision: 11.02.2020

D.R. Bansal

.....Petitioner

Vs.

The State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Sanjeev Kodan, Advocate,
for the petitioner.

Mr. Randhir Singh, Advocate,
for respondent-State.

Mr. R.N. Lohan, Advocate,
for respondent No.3.

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RITU BAHRI, J. (ORAL)

Petitioner is seeking quashing of the order dated 30.08.2013 (Annexure P-3), vide which respondent No.3 has been promoted as Joint Director, Industrial Training Department, Haryana.

The petitioner was, initially, appointed as Deputy District Vocational Education Officer, Group-B through HPSC on 03.09.1993 (Annexure R-I) in the Vocational Education cadre. Thereafter, he was promoted as Assistant Director, Vocational Education (Group-A) on 24.12.1998 (Annexure R-II) and further promoted as Deputy Director, Vocational Education (Group-A) on 20.01.2004 (Annexure R-III) in his own cadre i.e. Vocational Education Cadre. His grievance is that vide order dated 30.08.2013 (Annexure P-3), respondent No.3-R.P. Sheokand has been

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wrongly promoted as Joint Director/Controller of Examination (Group A), as he was junior to him.

As per petitioner, he was promoted as Deputy Director (Vocational Education) Group (A) vide order dated 19.01.2004 (Annexure P-1). Respondent No.3 was promoted as Deputy Director (Non Technical Group-A) vide order dated 29.01.2010 (Annexure P-2).

Learned counsel for respondent No.3 has informed that respondent No.3 was initially appointed as Assistant Controller in the Non Technical cadre on 07.02.1991. He was further promoted as Assistant Director/Controller of Examination (Non Technical) on 27.06.2000. Thereafter, he was promoted as Deputy Director (Non Technical) on 29.01.2010.

A perusal of the promotion orders of petitioner as well as respondent No.3 show that they were never promoted on the same post. They always had separate channel of promotion. Petitioner was posted in the Vocational Education and respondent No.3 was posted in Non Technical department. The petitioner is claiming parity of promotion to the post of Joint Director at par with respondent No.3. Respondent No.3 was promoted as Joint Director vide order dated 30.08.2013 in his own cadre i.e. Non Technical, from the post of Deputy Director/Controller of Examination (N.T.) Group (A). Petitioner was also promoted as Deputy Director, but he was not in the Non Technical cadre. As per promotion order placed on record, he was promoted as Assistant Director on 24.12.1998.

In the written statement, respondents has clarified that right from the date of their appointments, both petitioner and respondent No.3 were in separate cadres. Petitioner cannot claim parity of promotion at par

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with respondent No.3 to the post of Joint Director. Moreover, vide order dated 15.07.2011, the Government had taken a decision to transfer all Ex-Vocational Education Institutes cadre officers/officials to the Secondary Education Department along with posts. A further decision was also taken to keep their cadre separate to avoid litigation. Even, if, this order was not passed, the petitioner and respondent No.3 have been in separate cadres right from the date, they were appointed in 1991.

During the pendency of present petition, this Court has been informed that the petitioner had been appointed as Joint Director on 10.02.2016 and he has since been retired. Respondent No.3 has also retired. Since both the employees were working in separate cadres right from the inception, petitioner cannot claim promotion to the post of Joint Director at par with respondent No.3.

In view of the above discussion, present petition being devoid of any merit, is dismissed.

(RITU BAHRI)
JUDGE

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

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