

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

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CWP No.23779 of 2015

Date of Decision : 13.03.2020

Surender Singh

....Petitioner

v/s

Pt. B.D. Sharma University of Health Sciences, Rohtak
and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. WaliaPresent: Mr. Rajesh K. Kataria, Advocate
for the petitioner.Mr. Amit Rao, Advocate for
Mr. Anurag Goyal, Advocate
for respondent/*University*.

B.S. Walia, J. (Oral),

[1] The petitioner challenged the promotion of respondent No.7 on the post of Chief Store Officer on the ground of his not fulfilling the eligibility conditions for promotion to the said post by way of CWP No.15689 of 2015. The same was disposed of vide order (Annexure P/17) dated 03.08.2015 by granting liberty to the petitioner to submit a self contained representation to respondent No.2, who was directed to consider and decide the same, in a time bound manner.

[2] The representation submitted by the petitioner was rejected by respondent No.3 vide order (Annexure P/19) dated 30.09.2015.

[3] Pursuant thereto, the petitioner invoked the jurisdiction of this Court by way of the instant writ petition. During the pendency of the writ petition, Enquiry Committee was constituted by the University authorities,

which submitted a report (Annexure R/6) dated 04.07.2016, accepting the stand of the petitioner and holding that a well planned conspiracy had been hatched to snatch the fundamental rights of other eligible candidates by converting a direct selection post into a promotional post wherein only seniors i.e. Store Officers and Senior Store Keepers were considered and juniors i.e. Store Keepers could not be considered. Resultantly, only those candidates, who were either Store Officers or Senior Store Keepers were benefitted i.e. namely Shri Hari Ram and Shri Vazir Singh Dalal by misuse of powers of the then Director Dr. C.S. Dhull, and the then acting Vice-Chancellor.

[4] Certain recommendations were made in the enquiry report. The same are reproduced as under:-

“The Enquiry Report is submitted for taking necessary step to (1) immediately demote Mr. Vazir Singh Dalal, after following due process of Law, from the post of Chief Store Officer to rectify this illegality committed deliberately in connivance & collusion of Sh. Vazir Singh Dalal with other total system & channels from top to bottom, (2) stop incurring continuous public exchequer loss with immediate effect by re-fixing his pay scale for Sr. Store Keeper, (3) initiate disciplinary departmental action against the erring officers for violating all CSR rules & regulation & University Statutes including abuse of process and (4) recover the public exchequer loss caused through connivance of illegal Promotion from the erring officials/officers, and (5) forwarding the case to State Vigilance Bureau or any other Central Agency like CBI as deemed fit for further investigations & interrogations to unearth truth & possibility of indirect corruption for this illegal promotion.

It is further strongly recommended that the HR Govt. may kindly be requested for getting the interrogation done by C.B.I. of the

then Director Dr. C.S. Dhull, the then Vice-Chancellors and the then Superintendents ME-1 & ME-II to expose the deep rooted conspiracy done for not only this very concealment of facts regarding PG Diploma of Sh. Vazir Singh Dalal of year 2011-2012 but also to expose many such illegal appointments (direct selection & promotion) made like that of Nursing Superintendent, Assistant Supervisor CSSD, Plaster Technicians, Dr. H.S. Hooda, Dr. Rajesh Rajput and many other Sr. Professors in PGIDS Rohtak including many other appointments made vide Advertisement No.2012 of UHSR. This will also expose reasons behind manipulations done by the then Director to suppress inquiries without taking any appropriate actions on them, which ultimately had resulted not only in out-right protection of their pets but also had resulted in Prevention of recovery and thus caused a huge financial loss of many Lacs of rupees to public exchequer. In the meanwhile, the case of Sh. Hari Ram needs to be reconsidered after verification of UGC-recognition of his Diploma in Material Management & other documents for assessing his eligibility to this post of Chief Store Officer.”

[5] Pursuant to receipt of report (Annexure R/6) dated 04.07.2016, respondent No.7 was reverted from the post of Chief Store Officer to the post of Senior Store Keeper, whereupon respondent No.7 filed CWP No.28498 of 2017, leading to passing of order, staying his reversion.

[6] During the pendency of the writ petition filed by respondent No.7, official respondents withdrew the order of reversion, whereupon CWP No.28498 of 2017 filed by respondent No.7 was disposed of as having become infructuous on the statement of learned counsel for the petitioner.

[7] Learned counsel for the petitioner states that in view of respondent No.7, as well as petitioner in CWP No.4048 of 2017 having retired

from service, the writ petition be disposed of by directing the official respondents to consider the claim of the petitioner for promotion to the post of Chief Store Officer with effect from the date, the post of Chief Store Officer became vacant on retirement of respondent No.7, in accordance with the rules applicable.

[8] Learned counsel for the respondent-University states that he has no objection to the aforementioned limited prayer of the petitioner.

[9] Accordingly, the writ petition is ***disposed of*** by directing the official respondents to consider the claim of the petitioner for promotion to the post of Chief Store Officer with effect from the date the said post became vacant on retirement of respondent No.7 in accordance with law as expeditiously as possible.

(B.S. Walia)
Judge

March 13, 2020
'Rajneesh'

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