

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

CWP No.9012 of 2016 (O&M)

Date of Decision: 04.02.2020

Kamal Kishore Puri

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Vikas Singh, Advocate,
for the petitioner.

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

RITU BAHRI, J. (ORAL)

Petitioner is seeking quashing of the order dated 08.01.2016 (Annexure P-4), whereby his legal notice seeking grant of promotion at par with the employees working in District, Kurukshetra, has been rejected.

Upon notice, reply on behalf of the respondents has been filed, wherein it has been clarified that under the Haryana District Subordinate (Group C) Service Rules, 1988, promotion from the post of Clerk to Assistant was to be made amongst the Clerks/Steno-Typists working in the Deputy Commissioner's office and the power of promotion was with the Deputy Commissioner of the respective District. Even, seniority of Clerks was to be fixed at the district level by Deputy Commissioner of the respective District before coming into force the Divisional Level Amended Rules, 2000. It has been further stated that the petitioner had joined as Clerk on 28.02.1978 in the office of Deputy Commissioner, Mahendergarh and thereafter, on his own request, he was transferred to the Ambala District. He

joined as Clerk in the office of Deputy Commissioner, Ambala on 04.06.1979. In the year 2000, the Government notified Haryana Revenue Department Divisional Subordinate (Group-C) Service (First Amendment) Rules, 2000. Thereafter, seniority of Clerks was combined at Divisional level. At that time, Sh. Sultan Singh and Smt. Tara Rajia had already got their promotion as Assistants in their respective districts. The petitioner was still working as Clerk in his district. He was promoted as Assistant in the year 2005 on his own turn as per the Haryana Revenue Department Divisional Subordinate (Group-C) Service (First Amendment) Rules, 2000. Petitioner's seniority was maintained at the district level at Ambala, where he joined on 04.06.1979, whereas Sh. Sultan Singh and Smt. Tara Rajia were promoted as Assistants in the year 1991 and 1995 respectively by the Deputy Commissioner, Kurukshetra as per Haryana District Subordinate (Group C) Service Rules, 1988. The petitioner was promoted as Assistant on his own turn in the year 2005 on the basis of joint seniority list of Clerks, which was compiled at Divisional Level after coming into force the Divisional Level Amended Rules, 2000. Petitioner claims parity with aforesaid Sh. Sultan Singh and Smt. Tara Rajia, who had joined as Clerks in District Kurukshetra.

It has been further stated that Sh. Sultan Singh, who was promoted as Assistant Superintendent on 23.12.2005, was promoted as Superintendent on 20.12.2012 and thereafter, he has been superannuated on that post. Petitioner cannot claim promotion at par with Sh. Sultan Singh and Smt. Tara Rajia, as he was working in District Ambala, whereas they were working in District, Kurukshetra and were governed by Haryana

District Subordinate (Group C) Service Rules, 1988, for the purpose of promotion to the post of Assistant before the year 2000.

After going through the reply filed, no ground for quashing of the impugned order is made out.

Dismissed.

(RITU BAHRI)
JUDGE

04.02.2020
ajp

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