

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

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**CWP-10827-2020(O&M)
Date of Order:11.02.2021**

HEMRAJ

..Petitioner

Versus

STATE OF HARYANA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Vinod Bhardwaj, Advocate,
for the petitioner.

Mr. Samarth Sagar, Addl. A.G.,Haryana

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

The petitioner prays for issuance of a writ in the nature of certiorari for quashing the Memo No.38909, dated 18.05.2020, rejecting to consider the petitioner for promotion to the post of Junior Engineer(Civil).

The writ petition has been contested on the ground that under the Service Rules applicable, there is no provision for promotion from the post of Water Pump Operator to the post of Junior Engineer. It has been pointed out that efforts were made to amend the service rules, however, the government did not accede to the aforesaid requests.

On 2.12.2020, the following order was passed:-

“The hearing of the case was held through video conference on account of restricted functioning of the Courts.

Arguments of learned counsels for the parties have been heard at some length.

Learned counsel for the petitioner while relying upon Annexure P-10 and reply to the demand notice, submits that the department have been giving relaxation in the rules while considering the cases of the pump operators/attendants for promotion to the post of Junior

Engineer(Civil). He further draws attention of the court to Annexure P-12, at page 88, to contend that in the year 2018, as many as 20 such persons were given Current Duty Charge to the post of Junior Engineers.

Per contra, Mr. Samarth Sagar, Additional Advocate General, Haryana, has submitted that the petitioner cannot claim relaxation as a matter of right. However, he prays for a short accommodation to get the complete instructions.

Adjourned to 08.12.2020, for final disposal.

No further request for an adjournment shall be entertained.”

In pursuance to the aforesaid order, an additional affidavit has been filed by the Superintending Engineer, Public Health Engineering Circle, Ambala Cantt, stating as under:-

“5. That the Government vide No.2/30/2017-2PH dated 05.03.2020 (Annexure R-3) decided that “since the amendment in service rules is under process, therefore, the action will be taken after the finalization of service rules”. Accordingly, the respondent department has sent the case to Government for amendment in service rules again which contain amendment in eligibility criteria for promotion to the post of Junior Engineer from RME staff, which is at final stage and pending at Government level. The Hon'ble CM/CS, Haryana, LR, FD and HSSC has already approved the said draft amendment and the said draft amendment was sent to Administrative Department for approval of CMM.”

Keeping in view the aforesaid facts and without commenting on the merits of the case, the government is requested to take a final decision within a period of three months.

With these observations, the writ petition is disposed of.

February 11, 2021
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No