

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COC-1764-2021

Date of decision : 6.12.2021

Rakesh Kumar

..... Petitioner (s)

Versus

Alok Nigam

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. S.S. Majithia, Advocate
for petitioner (s).

Ms. Mamta Singla Talwar, DAG Haryana.

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HARINDER SINGH SIDHU, J.

Petitioner had filed CWP-9131-2019, praying to quash the order dated 8.3.2019 whereby private respondents No. 3 to 8 (in the writ petition) had been promoted. His grievance was that petitioner also ought to have been promoted. Petitioner also prayed that in case, the department intended to fill up the post of Executive Engineer on current duty charge basis, he be also considered.

The writ petition had come up for hearing on 11.11.2020. While adjourning the case to 8.3.2021, it was directed that in case, petitioner submitted a representation and department intends to fill up the posts on current duty charge basis before the next date of hearing, the petitioner be also considered for promotion in accordance with law.

Alleging that despite the aforesaid directions, one Narinder Kumar, SDE (Civil) had been given CPC charge of Executive Engineer (Civil) and Sombir Singh, SDE (Civil) had been promoted/given current duty charge whereas petitioner had not been given any current duty charge, this contempt petition has been filed.

In the reply, an affidavit of Mr. Alok Nigam, Additional Chief Secretary to Government of Haryana, Public Works (Buildings and Roads) Department has been filed. It is stated in reply that a representation dated 20.11.2020 received from petitioner for consideration of his case for promotion to the post of Executive Engineer (CDC) was examined by the office and a speaking order dated 13.5.2021 (Annexure R-1) was passed. It is stated therein that petitioner had appeared in the examination conducted by AICTE-UGC but he

failed to pass the examination in both attempts. He could also not qualify/pass the special exam conducted by AICTE in compliance of the order dated 22.1.2018 passed by Hon'ble the Supreme Court. The petitioner has also not passed the Departmental Professional Examination (DPE) which is essential qualification for promotion from Sub Divisional Engineer to Executive Engineer (Civil). It is further stated that one Narinder Kumar, SDE (Civil) was given current duty charge of the post of Executive Engineer (Civil) vide order dated 22.11.2018. He was granted relaxation to pass 3 papers of the Departmental Professional Examination. Sombir Singh, SDE (Civil) was given current duty charge vide order dated 16.10.2020 under 3% reservation meant for person with disability quota. He was given relaxation of a paper of Water Supply and Drainage of Departmental Professional Examination. The Government is competent to relax the condition as per the provisions of Haryana Service of Engineers 'Group A' Public Works (Buildings and Roads) Department Act, 2010.

From the above, it appears that case of the petitioner for grant of current duty charge was duly considered and rejected.

In these circumstances, no violation of the order dated is made out. However, it would be open to petitioner to avail of any other remedy.

Disposed of.

(HARINDER SINGH SIDHU)
JUDGE

6.12.2021
sjks

Whether reasoned order : Yes / No

Whether reportable : Yes / No