

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

CWP-17511-2001 (O&M)

Date of decision: August 31, 2022

Rattan Singh

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.D. Sharma, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of certiorari for quashing the impugned order dated 01.02.2001 (Annexure P-10), whereby, he was reverted from the post of Deputy Secretary to Under Secretary.

2. Petition was admitted for hearing in the year 2003. On case being called out, none appears for the petitioner.

3. It seems that by sheer effluxion of time and pendency of the writ petition for more than 20 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

4. In any case, from a perusal of record/pleadings, it appears that even on merits, claim of the petitioner is not admissible. Reference may be had in particular to the stand taken in Para 3 of the preliminary submission of written statement filed on behalf of the respondent and the same reads as under:-

“3. The petitioner was appointed as Clerk in Haryana Civil Secretariat with effect from 13-2-1973. Before joining civil service, the petitioner worked in Indian Army from 13-10-65 to 9-1-68. He was promoted from Clerk to Assistant (level-2) on the basis of roster of reservation (i.e. by way of accelerated promotion) with effect from 3-8-1978. However, the petitioner was granted the military service benefit vide order dated 27-2-86. Consequent upon grant of said military service benefit, he was deemed to be appointed as Clerk with effect from 14-11-1970 instead of 13-2-1973 and as Assistant with effect from 14-11-1973 instead of 3-8-1978. He was deemed to be promoted from level-2 (Assistant) to level-3 (Deputy Superintendent) with effect from 17-6-1983 vide order dated 18-12-86 on roster of reservation/accelerated seniority in excess of quota by misapplication of roster. It is also submitted that there is no reservation in promotion in the State of Haryana at level-4 (Superintendent) and above being Class-II and Class-I posts respectively. Promotions to level-4 (Superintendent) and above were to be made on the basis of seniority cum merit at level-3. He was also deemed to be promoted to level-4 (Superintendent) w. e. f. 11-2-1985 vide order dated 18-12-1986 on the basis of accelerated seniority ignoring the claim of senior general candidates who would have been promoted if the case of these senior general candidates was considered at level-3. The petitioner was promoted from level-4 (Superintendent) to level-5 (Under Secretary) w.e.f. 28-8-90 and further from level-5 (Under Secretary) to level-6 (Deputy Secretary) w.e.f. 11-4-96 on the basis of accelerated seniority. The petitioner was promoted as Under Secretary (level-5) though on the basis of accelerated seniority with effect from 28-8-90 i.e. prior to 1-3-96, so he cannot be reverted from this post. The petitioner, however, having been promoted from level-5 (under Secretary) to level-6 (Deputy Secretary) on the basis of accelerated seniority with effect from 11-4-96 i.e. after 1-3-96, was, therefore, liable to be reverted from level-6 (Deputy Secretary) to level-5 (Under Secretary) in terms of the law laid down by the Hon'ble Apex Court in Ajit Singh-II case. It is also submitted here that as per above decision in Ajit Singh-II case, only the promotions of reserved category candidates/employees made before 1-3-96 have been protected but their seniority is to be re-viewed/re-fixed on the basis of when the time of reserved candidates for promotion would

have come if the case of senior general candidate was considered for promotion at level-3 in due time. It is pertinent to mention here that the turn for promotion as Under Secretary of the petitioner does not come even till date as Sh. Ram Kishan, Sh. Arjan Lal Narang and Sh. Dharam Pal Thakran of General category who are senior to him on the base cadre are still working as Superintendents. Thus the action of the respondent State in reverting the petitioner as Under Secretary is in terms of the law laid down by the Hon'ble Apex Court and the instructions issued by the Government vide No. 22/73/92-3GS-III, dated 14-10-99. A.”

5. Learned State Counsel has canvassed arguments on similar lines as the stand taken in the written statement.

6. I am in agreement with the stand taken by the respondents. In the overall premise, I see no irregularity of any kind committed by the Department as to warrant any judicial intervention of this Court.

8. In view of the aforesaid, no grounds are made out to interfere.

9. Dismissed.

(ARUN MONGA)
JUDGE

August 31, 2022
monika

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No