

Sr. No.504

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP-3394-1999 (O&M)
Date of decision: 11.05.2022

Sukhbir Singh

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.D.Sharma, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari to quash the order dated 24.03.1999 (Annexure P-8) vide which claim of the petitioner at the time of promotion on the post of Joint Director, Development (higher post) has been rejected.

2. Petition was admitted in the year 1999 and has been lying admitted since then.

3. When called out for hearing, there is no representation on behalf of the petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 22 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, it appears that even on merits, claim of the petitioner is not admissible in view of the following stand taken in para 2 of the reply, which is reproduced herein for ready reference:-

“That in reply to para 2 of the amended writ petition it is submitted that it is wrong to say that the petitioner was promoted as Block Development and Panchayat Officer w.e.f. 31.1.86 in the pay scale of Rs.2200-4000. In fact the petitioner was already working on the post of Block Development and Panchayat Officer and was on deputation as Assistant Project Officer in District Development Agency at Kurukshetra when Chief Secretary Haryana vide orders

dated 31.01.86 appointed/posted/transferred him on ex-cadre post of Additional General Assistant to Deputy Commissioner, Bhiwani and he joined on this post on 16.02.86 (AN.) It is pertinent to mention here that as per version of the petitioner the nomenclature of the post of Additional General Assistant was changed in the name of District Development and Panchayat Officer. It is again submitted that some posts of District Development and Panchayat Officers came on the cadre of Development and Panchayat Department w.e.f. 08.03.91 and accordingly the pay of the petitioner was required to be fixed w.e.f. 08.03.91 under note 10 below Rule 4.4 of Punjab Civil Services Volume-I, Part-I which is reproduced below:-

XXX

XXX

Later on the petitioner was promoted on the post of Joint Director Panchayat in the pay scale of Rs.3000-4500 vide order dated 17.8.95 issued under Endst. No.2573-IECD-I-95/3549, dated 30.8.95 and he joined on this post on 01.09.95. On promotion to the post of Joint Director Panchayat the pay of the petitioner was fixed on this post as per rule ibid at the stage of Rs.3750/- in the pay scale of Rs.3000-4500 vide order issued under Endst. No.311-IECD-I-95/5178, dated 23.11.95. The petitioner was retired on 31.01.96 on attaining the age of superannuation. After his retirement, the petitioner sent a representation dated 27.08.96 (Annexure P-5) stating therein that he may be given proforma promotion to the post of Deputy Director Panchayat because there is a post of Deputy Director Panchayats at State Headquarter in the pay scale of Rs.2000-3500 and modified as 2200-4000 from 01.10.1991. This is a cadre post of Development and Panchayat Department and in several cases Block Development and Panchayat Officers were Ist promoted as Deputy Director Panchayats and then as District Development and Panchayat Officer. It is, therefore, requested that when on 31.01.86 he was appointed as Additional General Assistant/District Development and Panchayat Officer on ex-cadre post he should be given proforma promotion as Deputy Director, Panchayats in the scale of 2000-3500 and his salary should be fixed accordingly. Further on 08.03.91 the post of District Development and Panchayat Officer was brought on the cadre of Development Department, his salary should be fixed as District Development and Panchayat Officer. To mitigate his hardship the matter was reconsidered and the petitioner was given proforma promotion on the post of Deputy Director Panchayats w.e.f. 15.09.89 by the answering respondent department vide order dated 17.06.99 issued under Endst. No.3114-IECD-I-99/6188, dated 18.06.99. Consequent upon giving the proforma promotion to the petitioner on the post of Deputy Director Panchayats, the pay of the petitioner was again rightly refixed by the answering respondent department vide orders dated 01.07.99 issued under Endst. No.3114-IECD-II-99/6620, dated 01.07.99 (Annexure R-I) at the stage of Rs.3000/- on 15.09.89 on the post of Deputy Director Panchayats and Rs.3200/- on 08.03.91 on the post of District Development and Panchayat Officer in the pay scale of Rs.2200-4000/- and Rs.3750/- on 01.9.95 on the post of Joint Director Panchayats in the pay scale of Rs.3000-4500/- as per rule mentioned above.”

5. Neither any replication has been filed to the afore noted stand of the respondents nor any additional affidavit of any kind to controvert the same.
6. In view of the aforesaid, no grounds are made out to interfere.
7. Dismissed.

11.05.2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No