

Sr. No.111

Date of Decision : March 28, 2022

CORAM : HON'BLE MR. JUSTICE ARUN MONGA.

Ms. Kirti Singh, DAG, Haryana.

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ARUN MONGA, J. (Oral) :

On a pointed query of the Court, learned counsel for the petitioner does not deny that the dates of promotion of respondents no.4 and 5 are 03.08.2009 and 23.05.2006 respectively on the post of Assistant Superintendents. Admittedly, the feeder post qua promotion in question i.e. Assistant Superintendent is Assistant and therefore, the seniority *inter se* has to be seen with effect from the date when the eligible candidates were made Assistants. It is irrelevant as to what was the seniority as Clerks prior to their being promoted as Assistants. Therefore, the claim of the petitioner of his being senior to the private respondents no.4 and 5 in the feeder cadre of Assistant is completely mis-construed and no ground is made out to interfere on that count. As regards the other argument that the petitioner was made to lose his seniority despite the fact that he earlier served in the Hisar Division

prior to the bifurcation/ re-organization of the Districts under Rohtak

Commissionerate vis-a-vis Hisar Commissionerate in the year 2017 is too belated in the day to interfere in view of the inordinate delay and latches qua the assignment of the petitioner to the Rohtak Division. In any case, even if the petitioner had been assigned Hisar Division, it is not borne out from the record as to how he would have been more senior to the private respondents no.4 and 5 as his date of promotion as Assistant would have remained unchanged.

That apart, the impugned order dated 13.05.2021 is fairly well reasoned and self-explanatory. The same is premised on the following reasoning :-

“As per record of the office, the petitioner Rattan Lal was appointed as Clerk in Commissioner, Hisar Division on 11.06.1991 and was posted in district Bhiwani on 22.01.1994 and at that time district Bhiwani was included in Hisar Division. The petitioner was promoted to the post of Assistant by Commissioner, Hisar Division, Hisar on 10.10.2013 by giving him accelerated promotion as per reservation policy keeping in view the seniority list of Clerks of Hisar Division and thereafter, on the re-organization of the Divisions, the districts Bhiwani and Charkhi Dadri were excluded from Hisar Division and were included in Rohtak Division in 2017 and the petitioner chose to serve in Rohtak Division instead of Hisar Division. While on the other hand the respondent no.3 & 4 were already posted in Rohtak Division. Shri Bijender Singh who was posted as Clerk in Rohtak Division, was promoted to the post of Assistant on 08.11.2012 by Commissioner, Rohtak Division and respondent no.4 Shri Dharampal who was also appointed as Clerk in Rohtak Division, was promoted to the post of Assistant on 08.12.2009 by giving him accelerated promotion as per reservation policy by Commissioner, Rohtak Division, Rohtak keeping in view the seniority list of the clerks of Rohtak Division. The above facts clearly reveal that the petitioner and the respondents were appointed as Clerk and were further promoted as Assistant in different cadre. In other words, the petitioner Rattan Lal was appointed as Clerk and thereafter was promoted as Assistant in the Hisar Division cadre while the respondents no.3 & 4 were appointed as Clerk and were promoted as Assistant

in Rohtak Division cadre. Since the petitioner was promoted as Assistant on 10.10.2013 and respondents no.3 & 4 were promoted as Assistant on 08.11.2012 and 08.12.2009 respectively, therefore, as per their date of promotion to the post of Assistant, the petitioner is junior to the respondents no.3 & 4 as Assistant. Further, as per departmental rules, promotion of the Assistants to the post of Assistant Superintendent is given keeping in view their date of promotion/seniority on the post of Assistant and not in view of their date of appointment as clerk and accordingly, both the said respondents no.3 & 4 have been promoted to the post of Assistant Superintendent on 29.11.2019 as they were senior to the petitioner on the post of Assistant as per the seniority list of Assistants of the Division. As such, the contention of the petitioner that he should be given same benefit as has been given to the above said respondents is quite wrong and baseless. The petitioner will be given promotion to the post of Assistant Superintendent on his turn as per the seniority list of the Assistants of the Division. Accordingly, finding no force in the plea/contention of the petitioner Rattan Lal, the same is hereby declined/rejected.”

Perusal of the above shows that no irregularity either in facts or law has been committed. Therefore, no ground for interference is made out.

Dismissed.

March 28, 2022
monika

(ARUN MONGA)
JUDGE

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No</i>