

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

**110**

**CWP-14933-2022**

Date of decision : 12.09.2022

Pawan Kumar

... Petitioner

Versus

State of Haryana and others

.. Respondents

**CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present:- Mr. S.K. Malik, Advocate for the petitioner.

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**Anupinder Singh Grewal, J. (Oral)**

The petitioner is challenging the promotion of respondent No.4 to the post of Accountant by ignoring the claim of the petitioner.

Learned counsel for the petitioner submits that the petitioner and respondent No.4 were appointed as Auction Recorders in the year 2008. The petitioner had acquired the degree of B.Com. in the year 2013 which was an essential qualification for promotion to the post of Accountant while respondent No.4 had acquired the degree of B.Com. in the year 2015.

Issue notice to respondent No.1 to 3 only at this stage.

Mr. Padamkant Dwivedi, Advocate puts in appearance on behalf of respondents No.2 and 3 and submits that respondent No.4 had been promoted as Accountant on the basis of his seniority as determined at the time of initial selection.

Heard.

The petitioner and respondent No.4 are stated to have been appointed as Auction Recorders in terms of selection carried out by the respondents in the year 2008. The seniority was determined as per their merit in the selection. The petitioner is at No.1015 in the gradation/seniority list while respondent No.4 is at No.1002. The requirement for further promotion was B.Com. with 50% marks.

The petitioner is stated to have obtained the degree of B.Com. with 50% marks in

the year 2013 from Institute of Advanced Studies in Education Deemed University, Sardarshahr, Rajasthan while respondent No.4 is stated to have obtained the degree of B.Com. from Mahatama Gandhi University, Meghalaya in the year 2015 through distance education. The procedure for promotion to the post of Accountant has been laid down in the Haryana State Agricultural Marketing Board Service Rules, 2008 wherein it is stated that the promotion shall be made on the basis of seniority-cum-merit and the seniority alone shall not confer any right to such promotions. Respondent No.4 was senior to the petitioner in the seniority list and was promoted to the post of Accountant vide order dated 14.12.2020 (Annexure P-9). He was fully eligible for promotion as he had passed the B.Com. examination prior to this date. The rules do not indicate that the seniority would be determined on the date of acquiring the essential qualification. The criteria for promotion is seniority-cum-merit and respondent No.4 was senior to the petitioner and was also qualified at the time of his promotion. Therefore, I do not find any merit in this petition.

At this stage, learned counsel for the petitioner submits that 54 posts of Accountant are lying vacant and the respondents may consider the case of the petitioner for promotion against those vacant posts.

The respondent/HSAMB is directed to consider the case of the petitioner and other eligible candidates for promotion against the vacant posts in accordance with the rules.

The petition stands disposed of accordingly.

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**September 12, 2022**  
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Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No