

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

CWP No. 16693 of 2022 (O&M)

Date of decision: 23.08.2022

Vinod Kumar

..... Petitioner.

Versus

State of Haryana and others

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Rajesh Arora, Advocate, for the petitioner.

Mr. Anant Kataria, DAG, Haryana, for the respondents.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking a direction to the respondents to promote him to the post of Executive Engineer w.e.f. 08.03.2019, the date similar Junior Engineers have been promoted.

Learned counsel for the petitioner submits that the petitioner had been appointed as a Building Inspector on 19.11.2010 in the Municipal Council, Panchkula, which was later upgraded to Municipal Corporation. He had been transferred as Junior Engineer in the year 2011 and remained posted as such in Municipal Corporation, Faridabad. He was also promoted as Assistant Engineer in the year 2017. He has now been seeking further promotion to the post of Executive Engineer w.e.f. 08.03.2019, the date his juniors had been promoted in terms of the Haryana Municipal Services (Integration, Recruitment and Conditions of Service) Rules, 2010 ('2010 Rules' - for short).

Issue notice to the respondents.

At the asking of the Court, Mr. Anant Kataria, DAG, Haryana, accepts notice on behalf of the respondents. He submits that the petitioner had been appointed as a Building Inspector under the Haryana Municipal Corporation Employees Service Rules, 1998 ('1998 Rules' - for short) and he was promoted as Assistant Engineer by relaxing the condition of seven years' experience as a Building Inspector. The petitioner is seeking promotion as Executive Engineer under the 2010 Rules whereby promotion from the post of Building Inspector to the post of Junior Engineer (Civil) takes place after five years' experience. Under the 2010 Rules, the post of Building Inspector at which the petitioner was originally appointed and the post of Junior Engineer (Civil) are not equivalent and Junior Engineer (Civil) is a promotional post from the post of Building Inspector. The other persons with whom the petitioner is seeking parity had been appointed as Junior Engineer (Civil) under the 2010 Rules. He has furnished a copy of the 2010 Rules, which are taken on record.

Heard.

The petitioner had been appointed as a Building Inspector on 19.11.2010. The appointment of the petitioner is in terms of the 1998 Rules. The relevant extract of the 1998 Rules is reproduced hereunder:-

“Assistant Engineer

For Promotion-

- (i) Bachelor Degree in Civil Engineering from any recognized University or its equivalent;
- (ii) Seven years' experience as Junior Engineer (Civil) or Building Inspector;
- Or
- (i) Diploma in Civil Engineering from an Institution recognized by the State Government;
- (ii) Twelve years' experience as Junior Engineer (Civil) or Building Inspector or Circle Head Draftsman.”

The petitioner was promoted as Assistant Engineer in the year 2017. It is stipulated in the 1998 Rules that Junior Engineer (Civil) or Building Inspector with seven years' experience would be eligible for promotion to the post of Assistant Engineer. The petitioner is stated to have been given relaxation for a period of four months and had been promoted as Assistant Engineer.

The relevant extract of the 2010 Rules is also reproduced hereunder:-

“Junior Engineer (Civil)

For Promotion-

Five years experience as Building Inspector/land Officer/Draftsman.”

It is manifest that the Building Inspector is required to have a five years' experience for being eligible for promotion to the post of Junior Engineer (Civil) under the 2010 Rules. The posts of Building Inspector and Junior Engineer (Civil) are not at par and in fact the post of Junior Engineer (Civil) is a promotional post unlike 1998 Rules. Further promotion from the post of Assistant Engineer to the post of Executive Engineer is after eight years' experience on the post of Assistant Engineer. The petitioner has only completed five years of service on the post of Assistant Engineer and he would be eligible for promotion to the post of Executive Engineer only on completion of eight years of service. He having been appointed as a Building Inspector and had got promotion to the post of Assistant Engineer in the year 2017 is turning around and claiming further promotion to the post of Executive Engineer in terms of the 2010 Rules. It is reiterated that under the 2010 Rules, from the post of Building Inspector further promotion is to the

post of Junior Engineer (Civil) and both the posts are not at par.

Learned State counsel has also furnished a copy of the representation made by the petitioner whereby the petitioner had claimed promotion to the post of Assistant Engineer under the 1998 Rules.

In response to a query of this Court as to whether other employees have been given benefit wrongly, as alleged by the petitioner, learned State counsel submits that they were appointed as Junior Engineer (Civil) under the 1998 Rules while the petitioner was appointed as Building Inspector. Therefore, I do not find any merit in this petition warranting interference by this Court while exercising writ jurisdiction.

Consequently, the petition stands dismissed.

Pending application(s), if any, shall also stand disposed of.

23.08.2022
Ramesh

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No