

CWP No. 9879 of 2015 (O&M) and other connected case

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

(213)

**CWP No. 9879 of 2015 (O&M)
Date of Decision : 15.11.2022**

Daljit Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

(213-A)

CWP No. 7646 of 2017 (O&M)

Daljit Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Yesh Paul Malik, Advocate and
Mr. Sunil K. Nehra, Advocate for the petitioner.

Mr. Rajesh Gaur, Additional Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

By this common order, the writ petitions, details of which have been given above, are being disposed of as both the writ petitions involve the same question of law on similar facts.

Learned counsel for the petitioner argues that while claiming the benefit of promotion with effect from the date, person juniors to the

petitioner were promoted i.e. 03.08.2006, reliance was being placed by the petitioner upon the judgment of a Division Bench of this Court in CWP No. 21663 of 2008 titled as ***Geeta Devi Vs. State of Haryana and others***, decided on 03.07.2009, according to which, even the experience of an employee gained while working on ad-hoc basis is to be considered while computing the eligibility of a candidate for further promotion.

Learned counsel for the petitioner very fairly submits that during the pendency of the present petition, the judgment passed by the Division Bench of this Court in ***Geeta Devi's case (supra)*** has already been set-aside with the clear intend that the regular service is to be taken into consideration while calculating the eligibility of a person with regard to promotion to the higher post. Learned counsel submits that the said judgment has been implemented qua the candidates, who were granted the benefit of ad-hoc service initially by revising their date of promotion keeping in view the date on which they attained the eligibility for promotion.

Learned counsel for the petitioner submits that petitioner has already raised similar claim vide representation (Annexure A-3) with the application dated 25.03.2022 but the same is still pending consideration with the respondents and the respondents may kindly be directed to consider the said representation and decide the said representation in a time bound manner so as to give the petitioner the benefit as given to the other similarly situated employees and grant the petitioner the promotion to the post of Head of Department with effect from the date, petitioner gained the eligibility for promotion.

Learned counsel for the petitioner submits that once the petitioner has completed 12 years of service required for promotion to the post of Head of Department, the same be granted from the date when the petitioner completed the said 12 years of service.

Learned counsel for the respondents submits that in case representation dated 25.03.2022 (Annexure A-3) has not been decided so far, the same will be decided in accordance with law by taking into consideration all the pleas raised by the petitioner therein and appropriate order will be passed within a period of six weeks of the receipt of copy of this order and in case, the contentions raised by the petitioner in the representation are found meritorious, the appropriate relief will also be extended to the petitioner within a further period of four weeks.

Learned counsel for the petitioner submits that keeping in view the abovesaid statement of learned State counsel, the present petition may kindly be disposed of having been not pressed.

Ordered accordingly.

CM-11249-CWP-2020 in CWP-9879-2015 and CM-6677-CWP-2017, CM-2634-CWP-2021 and CM-15301-CWP-2022 in CWP-7646 of 2017

As the main petitions have been disposed of having been not pressed, the present applications also stand disposed of.

A photocopy of this order be placed on the file of another connected case.

November 15, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No