

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

CWP No.24637 of 2022

DATE OF DECISION : 28.10.2022

Karan Behal and another

...Petitioners

versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Gurminder Singh, Senior Advocate with
Mr. G. S. Sandhu, Advocate,
for the petitioner.

Mr. Pankaj Middha, Addl. AG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari seeking quashing of impugned advertisement dated 15.09.2022 (Annexure P-7) issued by Public Health Engineering Department for filling up 11 vacant posts of promotion quota of Executive Engineers by way of re-employment, which is allegedly not a mode of recruitment provided under the Haryana Service of Engineers, Group-A, Public Health Engineering Department Act, 2009. Said Act, envisages recruitment only through direct appointment, transfer and promotion and not by way of re-employment. In the alternative, prayer is to consider and decide the pending representation dated 18.04.2022 (Annexure P-4) filed by the petitioners.

2. Learned State counsel on advance service of copy of the petition, appears and strenuously opposes the writ petition. He submits it is highly pre-mature, inasmuch as, representation of the petitioners is till pending. In any case, there is an alternative prayer in the petition that an administrative decision be taken on the pending representation.

3. On an objection taken by learned State counsel, no opinion on the merits of case at this stage is being expressed though the matter was heard at some length on two occasions i.e., yesterday and today.

4. Petition is simply being disposed of with a direction to the competent authority to take a wholesome view of the entire matter *qua* applicability of relevant Act/service Rules which envisage the upper age limit for recruitment/promotion on the post of Executive Engineer *vis-à-vis* the precedent of according relaxation to the serving Assistant Executive Engineers right from the year-1999 onwards, as per administrative order dated 24.09.1999 (Annexure P-5) which appears to have been followed throughout until 2019, as is borne out from order dated 02.07.2019 (Annexure P-6) .

6. Specific reasons be recorded as to why petitioners herein are not entitled to get similar treatment on parity, which was accorded to their counterparts in past owing to similar exigency of eligible Assistant Executive Engineers not being available for promotional post of Executive Engineer. Such an exigency is stated to be reason herein as well, leading to the impugned advertisement.

7. Decision, as aforesaid, be taken as expeditiously as possible, but definitely before issuance of any appointment letters pursuant to impugned advertisement dated 15.09.2022 (Annexure P-7). Petitioners are at liberty to file a supplementary/fresh comprehensive representation within a period of one week from today.

8. Disposed of in above terms.

OCTOBER 28, 2022
Shalini

(ARUN MONGA)
JUDGE

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