

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

LPA-15-2023 (O&M)
Date of decision:- 18.12.2023

State of Haryana and another

...Appellant(s)

Versus

Arun Kumar and others

...Respondent(s)

CORAM: **HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE**
HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Deepak Balyan, Additional Advocate General, Haryana,
for the appellants.

Mr. R.K. Malik, Senior Advocate,
with Mr. Samrat Malik, Advocate,
for respondent No. 1.

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RITU BAHRI, A.C.J. (ORAL)

CM-1086-LPA-2023

Leave is granted to place on record the reply filed by respondent No. 1 to CM-31-LPA-2023 for condonation of 313 days' delay in filing the appeal and the application is allowed.

CM-31-LPA-2023

For the reasons mentioned therein, the delay of 313 days in filing the appeal is condoned.

The application stands disposed of.

LPA-15-2023

This appeal is directed against the judgement and order dated 28.01.2022 passed by the learned Single Judge allowing the writ petition filed by the petitioner (respondent No. 1 herein) according him the benefit of promotion with effect from the same date as his juniors were promoted with consequential benefits.

Learned senior counsel, appearing for respondent No. 1, has referred to the orders dated 08.04.2022 (Annexure A-1) and (Annexure A-2) respectively passed by the Excise and Taxation Commissioner, Haryana, Panchkula, whereby respondent No. 1 has been given promotion to the post of Clerk with effect from 09.08.2012 and to that of Assistant with effect from 01.09.2016 i.e. from the date of promotion of his junior, namely, Deepak Kumar with all consequential benefits.

Pursuant to the impugned judgement passed by this Court, the promotion was given to respondent No. 1 keeping in view the fact that his junior had been promoted and the Draft Rules, 2006 cannot be made basis for

denial of promotion to respondent No. 1 on the post of Clerk on the ground that he has not passed the type test.

Since the impugned judgement dated 28.01.2022 has already been implemented granting promotion to respondent No. 1 on the post of Clerk as well as Assistant vide orders dated 08.04.2022 (Annexure A-1) and (Annexure A-2) respectively, the present appeal stands dismissed.

All the pending miscellaneous applications also stand disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

18.12.2023
Amodh Sharma

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