

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

**COCp-203-2021 (O&M)  
Date of decision: 06.02.2023**

**R. K. Sharma**

**...Petitioner**

**Versus**

**Devender Singh and another**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Gurinder Pal Singh, Advocate  
for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

**ARVIND SINGH SANGWAN, J. (Oral)**

The petitioner alleges violation of the order dated 18.06.2020, passed by this Court in CWP-7668-2020, wherein the following directions were issued:

“(12) In the peculiar circumstances, the present writ petition is disposed of with the following directions:-

(i) the competent authority in the case of the petitioner is directed to take a final decision at the earliest and pass formal order on the disciplinary proceedings keeping in view the earlier order (P10);

(ii) the competent authority is directed to thereafter take a decision as expeditiously as possible, preferably within 2 weeks from today regarding consideration for promotion to fill up two posts of Superintending Engineers lying vacant. It is made clear that the said consideration should take place to consider all eligible officials in accordance with law;

(iii) based upon the decision taken by the

competent authority on direction No.(i) as also direction No.(ii) above, the competent authority would then take a decision as to if the petitioner would be entitled to his second prayer viz. to consider his case for promotion w.e.f. date of promotion of his junior.

(13) So ordered.”

Reply, filed by way of the affidavit of the Engineer-in-Chief, Haryana, Public Health Engineering Department, is on record, in which, it is stated the in compliance with aforesaid order, after completing all the formalities, the chargesheet under Rule 7 of Haryana Civil Services (Punishment & Appeal) Rules, 1987, issued to the petitioner on 04.12.2013, has been decided by the Government and punishment of stoppage of one increment without cumulative effect has been imposed upon petitioner. It is further stated that another chargesheet under Rule 7 was issued to the petitioner on 10.12.2015, regarding floating of a tender in violation of the rules and thereafter, it was decided on 24.11.2020 by imposing punishment of withholding one increment without cumulative effect. It is further stated that the chargesheet under Rule 7, issued to the petitioner on 04.12.2013, was pending, which was relating to wrong fixation of pay of four Group D employees, thereby causing a loss to the State Exchequer. The said amount of Rs. 2,05,823/- was deposited by the petitioner to the State Exchequer towards the loss caused by him.

It is further stated in the reply that in the meantime, the said Group D employees have filed a writ petition i.e. ***CWP-2380-2018***, titled as ***Narrotam Dev Sharma and others vs. State of Haryana and others***, in which they have challenged the order of recovery of their pay which have been effected due to wrong fixation of their pay and the same is pending. It

is further stated that the proposal for promotion of suitable Executive Engineers to the post of Superintending Engineer (Civil) as per seniority was sent to the Government on 03.02.2020, in which it was mentioned that chargesheet under Rule 7, issued to the petitioner on 04.12.2013, is pending against the petitioner, who was at Sr. No. 144 of the seniority list, therefore, he was not considered suitable for promotion to the post of Superintending Engineer (Civil). In the meantime, Shiv Raj Singh, who was at Sr. No. 145 of the seniority list and was junior to the petitioner, was considered suitable for promotion to the post of Superintending Engineer (Civil) and was promoted as such w.e.f. 24.02.2020. Similarly, other employees, who are at Sr. Nos. 146 and 147, were also granted promotion.

Learned State counsel has placed on record an office order dated 13.04.2022, vide which the petitioner stands promoted to the post of Superintending Engineer (Civil) w.e.f. 24.02.2020 notionally (i.e. from the date of his junior Sh. Shiv Raj Singh was promoted as SE), subject to the final outcome of CWP-15358-2020. The petitioner is posted as Superintending Engineer (Civil) at the Head Office at Panchkula against a vacant post.

In view of the above facts and circumstances, no case of any willful disobedience is made out.

Accordingly, the present petition is dismissed.

Rule stands discharged.

**06.02.2023**

*Waseem Ansari*

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

*Whether speaking/reasoned*  
*Whether reportable*

*Yes/No*  
*Yes/No*