

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

201

**CWP No.10700 of 1995
Date of Decision : 21.11.2023**

*Raj Singh**..... Petitioner**versus**The State of Haryana and others**..... Respondents***CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Hardeep Singh Kasan, Advocate, for the petitioner

Ms. Tanushree Gupta, DAG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

This petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the seniority list, Annexure P-7, and the promotion order dated 23.11.1994, Annexure P-9; and to declare that the petitioner is entitled to seniority in the cadre of Vocational Education Institutes (VEI), as also to promotion from the date his juniors were promoted with all consequential benefits.

2. It is contended by learned counsel for the petitioner that the petitioner was appointed as Social Studies Instructor in VEI, Jind, on *ad hoc* basis on 18.7.1983, and was transferred to Industrial Training Institute (ITI), Narwana, on the post of Vice Principal on 4.6.1986. Although he was posted in the ITI, his service was at the disposal of VEI. As averred in the petition, employees of ITIs and VEIs used to be transferred inter-se from one institute to another, since there were no service rules for the VEIs. The private respondents have been given

promotion on the basis of impugned seniority list of Instructors working in the VEIs, circulated vide letter dated 15.11.1994; whereas, the petitioner's claim has been ignored, despite being senior to many of the employees promoted as Vice Principal. His representation dated 30.11.1994, Annexure P-10, has been wrongly rejected vide order dated 16.3.1995, Annexure P-11, on the ground that he was appointed on the strength of ITI and not on the strength of VEI. This is wrong as seniority of Instructors in both the institutes, i.e., ITIs and VEIs is to be jointly fixed.

3. Learned State counsel, on the contrary, has referred to the stand taken in the written statement that in 1986, the petitioner's post was abolished as per norms of Director General, Employment and Training, Government of India, and he was deputed in different VEIs to impart training. Later, his *ad hoc* service was regularised on the post of Social Studies Instructor in the ITI cadre w.e.f. 1.1.1991, in accordance with government notification dated 28.2.1991 and Instructions dated 7.3.1991. It is denied that the petitioner's services were ever placed at the disposal of VEI, though he was deputed in VEI, Jind, to impart training to trainees of General Foundation Course, by the Principal of ITI, Narwana. Temporary posting to impart training in VEIs does not make the petitioner a part of the ITI cadre. Besides, the post of Vice Principal in the VEI can be filled only from those Instructors who possessed ten years' experience in the VEI cadre. In the ITI cadre, Instructors are first promoted to the Group Instructor, then as Vice Principal and finally as Principal/Assistant Director, Technical. Therefore, there is no basis in the petitioner's claim for promotion to the post of Vice Principal in VEI cadre.

4. It is also apparent on record that the private respondents were initially appointed as Social Studies Instructors purely on *ad hoc* basis, and due to abolition of posts, their services were terminated in 1986. However, they were absorbed against general posts of Foundation Instructors in VEI cadre because of having basic qualifications for the same. Accordingly, they find place in the seniority list of VEI Instructors. The petitioner's name was rightly not shown in the impugned seniority list because he was in the cadre of ITI.

5. No replication has been filed nor has any document been placed on record to dispute the facts mentioned in the written statement.

6. In view of the undisputed position on record, it is established that the petitioner and the private respondents were in different cadres of service, i.e., ITI and VEI respectively. Merely on the basis of temporary posting in a VEI to impart training to the trainees of General Foundation Course, it cannot be said that the petitioner became a part of VEI cadre.

7. In view thereof, there is no merit in the petition, and the same stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

21.11.2023

Ashwani

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No