

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCN-1446-2020 (O&M)

Date of decision: 25.07.2023

Piare Lal

... Petitioner

Vs.

Rajbir Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Rajesh Kataria, Advocate
for the petitioner.

Mr. Amit Rao, Advocate for
Mr. Anurag Goyal, Advocate for the respondents.

ARVIND SINGH SANGWAN, J. (ORAL)

The petitioner alleges violation of the order dated 05.12.2019
passed in CWP-19824-2016, vide which following directions were issued: -

*“Keeping in view the above, both writ petitions are disposed of
with a direction to respondents No. 2 to 5 to undertake the
exercise in pursuance to the Instructions dated 04.05.2018
(Annexure P-41) with regard to ascertaining the fact whether
petitioners will be entitled for promotions on the basis of
reservation or not. Let this exercise be completed within a period
of four months from the date of receipt of certified copy of this
order.*

In case, after the exercise, petitioners are found entitled for any relief, the respondents shall extend the same to the petitioners within a period of one month thereafter. It is made clear that in case any other employee, who will be affected by the grant of promotion to the petitioners, shall also be given opportunity to present his/her case while undertaking the exercise for considering the eligibility of the petitioners for the grant of benefit in view of the Instructions dated 04.05.2018 (Annexure P-41). ”

As per compliance affidavit of Registry, Maharshi Dayanand University, Rohtak, on 30.07.2020, a decision was taken, which reads as under:-

“From the above, it is clear that the backlog for the post of Clerk and Deputy Superintendent is NIL except the post of Assistant, which could not be filled up due to stay from Hon’ble High Court in the cadre separate issue.

Therefore, in view of instructions dated 04.05.2018 of the State Govt., the backlog of SC category employees in Group ‘C’ and ‘D’ posts i.e. Clerk, Assistant, Deputy Superintendent has already been filled up except post of Assistant which can be filled up upon vacation of stay by the Hon’ble High Court in cadre separate issue (CWP No.40358 of 2018 titled Neeraj Chauhan & others; CWP No.26937 of 2019 titled Vivek Kumar & ors.).

You were promoted as Assistant w.e.f. 24.05.2001 and thereafter on attaining the age of superannuation stands retired on 31.03.2014, hence you are not entitled to be promoted as Deputy Superintendent as per State Govt. instructions dated 04.05.2018.”

Learned counsel for the respondents submits that one of the similarly situated writ petition has filed CWP-16745-2020 challenging aforesaid decision.

In view of the above, no willful disobedience is made out.

Dismissed.

[ARVIND SINGH SANGWAN]
JUDGE

25.07.2023
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No