

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

206

CWP-10297-2013

Date of decision:17.01.2023

Om Parkash Singh

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Anurag Goyal, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

Inter alia, claim in the instant writ petition filed under Article 226/227 of Constitution of India is for issuance of a writ in the nature of mandamus directing the respondents to consider the petitioner for promotion to the post of Assistant Registrar, Cooperative Societies from the date his juniors were promoted vide orders, Annexures P-9, P-11 and P-11A, respectively.

Without going into the chequered history of the case, counsel for the petitioner has made a reference to affidavit filed on behalf of respondent No.1, wherein Para No.9, it has been deposed as under:-

“9. That it is relevant to mention here that the appeal dated 02.01.2010 of the petitioner had already been decided by the Government

(Respondent No.1) vide order dated 21.02.2013 and has duly been communicated to the petitioner by registered post vide Endorsement No. 2857-C-4-2012/2045 dated 22.02.2013. This fact is also clear from the writ petition wherein the petitioner himself has attached the copy of said decision/order dated 21.2.2013 as Annexure P-30. It is also pertinent to mention here that the pay of the petitioner has already been fixed vide order dated 08-04-2011. Further, the payment of the medical period i.e. November and December, 2009 has already been made to the petitioner through Bill dated 08-12-2010. Regarding the claim of subsistence allowance, it is submitted that the same stands increased from 50% after expiry of 6 months period vide orders dated 05-02-2014 by respondent no.2. Thus, except the claim of promotion, the petitioner has wrongly claimed the benefits which already stands paid to him. It is, therefore, clear that the petitioner is trying to mislead the Hon'ble Court by submitting the wrong facts. However, with regard to the claim of promotion from the date his juniors were promoted, it is submitted that the name of the petitioner was considered every time at the time of promotion of Inspectors, who were junior to the petitioner, to the post of Assistant Registrar but he was not found eligible for promotion as per the details supplied by the respondent no.2 who is the over all incharge of the Class-III employees. However, as claimed by the petitioner for consideration his name for promotion to the post of Assistant Registrar, the answering respondent admits that his name will also be considered in the next Departmental Promotion Committee for promotion to the post of Assistant Registrar, Cooperative Societies. So, the present writ petition may kindly be dismissed."

Counsel for the petitioner submits that the petitioner will be satisfied, in case, a direction is issued to the respondents to consider the name of the petitioner for promotion in view of the stand taken by respondent No.1.

State counsel has invited the attention of the Court to the various charge-sheets, which have been issued against the petitioner. He

submits that the details of 03 charge-sheets against the petitioner are on the record, but the fate of the 4th disciplinary proceeding is not available with him. He, however, submits that the State does not have any objection, in case, the direction is issued to the authorities to consider the case of the petitioner in terms of the affidavit filed by respondent No.1.

Having heard counsel for the parties, but without adverting to the merits or de-merits of the claim, petition is disposed of with a direction to the respondents to consider the case of the petitioner for promotion from the date when his juniors were promoted, in case, the same has not been done so far.

17.01.2023
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No