

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

CWP No.15181 of 2020 (O&M)

Reserved on:05.01.2023

Date of Decision:19.01.2023

Surender Singh

...Petitioner

Vs

Pt. BD Sharma University of Health Sciences, Rohtak and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. Amit Rao, Advocate
for respondents No.1 to 6.

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JAISHREE THAKUR J.

1. The present writ petition has been filed seeking to quash order dated 25.08.2020 (P-16) passed by respondent No.3 whereby promotion to the post of Chief Store Officer has been denied to the petitioner, with a further prayer to promote the petitioner to the post of Chief Store Officer from the date the said post became vacant.
2. In brief, the facts are that on 29.11.1992, petitioner was appointed as Store Keeper-cum-Clerk in the respondent University. On 04.12.2003, post of Chief Store Officer was advertised by the Haryana Public Service Commission to which post petitioner also applied through proper channel. Since the post of Chief Store Officer could not be filled up number of times by way of direct recruitment, in the meeting held on 08.03.2011, the respondent-University took a decision to fill up the said post by way of promotion and not by way of direct recruitment. Thereafter, petitioner made a representation dated 29.01.2013 to the respondent-University to fill

the post of Chief Store Officer by way of promotion. In a meeting held under the chairmanship of respondent No.4 on 26.09.2013, scrutiny of the aspirant candidates was undertaken in which the petitioner was found ineligible and name of one Vazir Singh was recommended for promotion to the post of Chief Store Officer in the meeting held on 08.01.2015 and promotion order was issued on 09.01.2015. Aggrieved against aforesaid action of the respondents, petitioner approached this Court in CWP No.15689 of 2015, which was disposed of vide order dated 03.08.2015 with a direction to the petitioner to first submit a representation to respondent No.2 to pass a speaking order thereon. In compliance of the order dated 03.08.2015 passed by this Court, petitioner submitted a representation dated 11.08.2015 to respondent No.2, however, the same was rejected vide order dated 30.09.2015 passed by respondent No.3 in a cryptic manner and without any reasoning. Feeling aggrieved against the order dated 30.09.2015, petitioner again approached this Court by way of CWP No.23779 of 2015. During the pendency of said writ petition, respondent No.2 set up a committee to enquire into allegations of petitioner regarding change of criteria for filling up the post of Chief Store Officer from direct selection to by way of promotion in an illegal and arbitrary manner and in the enquiry report dated 04.07.2016 submitted by the Committee, allegations levelled by the petitioner were found true. Based on the enquiry report, Vazir Singh was reverted from the post of Chief Store Officer to the post of Sr. Store Keeper, who in turn approached this Court by way of CWP No.24498 of 2017 and got stay of reversion order. Now Vazir Singh has retired from the post of Chief Store Officer. During the pendency of CWP No.23779 of 2015, the petitioner was promoted to the post of Sr. Store

Keeper vide order dated 13.03.2019 and therefore, he now qualifies the condition that Chief Store Officer can be promoted only amongst the Store Officers or Senior Store Keeper. In view of changed circumstances, petitioner prayed for disposal of CWP No.23779 of 2015 and the same was disposed of vide order dated 13.03.2020 passed by this Court with direction to the official respondents to consider claim of the petitioner for promotion to the post of Chief Store Officer with effect from the date, post of Chief Store Officer became vacant on retirement of respondent No.7-Vajir Singh. In compliance of the order dated 13.03.2020, claim of the petitioner was considered by respondent No.3 and rejected by passing order dated 25.08.2020. Aggrieved against the order dated 25.08.2020, petitioner approached this Court by way of instant writ petition.

3. Learned counsel appearing for the petitioner would contend that the petitioner has now been promoted as Senior Store Keeper and is the only eligible candidate for promotion to the post of Chief Store Officer. Since the post for Chief Store Officer is lying vacant on retirement of Vazir Singh, respondents have rejected claim of the petitioner for promotion to the post of Chief Store Officer in an illegal and arbitrary manner on the ground that petitioner does not have experience of 10 years as Store Officer. It is argued that requirement of experience is of handling or supervising stores of a Medical College and not that 10 years experience is required as Store Officer or Senior Store Keeper. The petitioner has experience of 27 years in supervising/handling the store in Medical College and therefore, is fully eligible for promotion to the post of Chief Store Officer.

4. Per contra, learned counsel appearing for the respondents would argue that Executive Council of the University in its 10th meeting held on

08.03.2011 vide Agenda Item No.28 had took a decision that the post of Chief Store Officer may be filled up by promotion amongst the Store Officer and Senior Store Keeper and one of the qualifications was 10 years experience of supervising the stores of a Government or Semi Government Department or an organization of repute, which is relaxable in case of a candidate possessing higher qualification. Further as per mode of recruitment, post of Chief Store Keeper was to be filled by way of promotion amongst Store Officers & Senior Store Keepers having experience of handling or supervising stores of Medical College for more than 10 years along with the above qualification. It is argued that at earlier occasion when Vazir Singh was promoted, petitioner was not even working on the post of Store Officer or Senior Store Keeper and therefore, was not even eligible to be considered for the post of Chief Store Officer. Now when the petitioner has been promoted as Senior Store Keeper, he does not have experience of 10 years as such and therefore, has rightly been denied promotion to the post of Chief Store Officer.

5. I have heard learned counsel for the parties and have perused the paper book.

6. The short question which requires answer is: whether the petitioner fulfils the condition of having 10 years experience as required for promotion to the post of Chief Store Officer or not? The argument of the petitioner that experience of 10 years is required in supervising the stores of a Government or semi-Government department or an organization of repute and not as Store Officer and Senior Store Keeper, is wholly untenable and misfounded. A reading of the qualification and experience prescribed for promotion to the post of Chief Store Officer would reflect that the

promotion to the post of Chief Store Officer would be made from amongst the Store Officers and Senior Store Keepers, having ten years experience of supervising the stores of a Government or semi-Government department or an organization of repute and further mode of recruitment would also manifest that post of Chief Store Officer will be filled up by promotion from amongst Store Officers & Senior Store Keepers having experience of handling or supervising stores of Medical College/PGIMS, Rohtak for more than 10 years. The petitioner herein though has been promoted as Senior Store Keeper on 13.03.2019 but had only 1 year and 4 months experience as such, at the time when the impugned order was passed and therefore, did not fulfil the condition of requisite experience of 10 years as Store Officer or Senior Store Keeper. This Court cannot issue mandamus to the respondents to consider the petitioner for promotion to the post of Chief Store Officer merely on the ground that the same is lying vacant.

7. In view of the facts and circumstances as dilated above, this court does not find any reason to interfere with the order dated 25.08.2020 passed by respondent No.3. Consequently, the instant petition stands dismissed.

(JAISHREE THAKUR)
JUDGE

January 19, 2023
Pankaj*

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