

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

227

CWP-10326-2018

Date of Decision: 14.02.2023

SANJIV SINGH CHAUHAN

....Petitioner

Versus

STATE OF HARYANA AND OTHERS

....Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Gurmandeep S. Sullar, Advocate
Mr. Devaki Anand Sullar, Advocate and
Mr. Akun Singh, Advocate
for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr.Subhash Ahuja, Advocate
for respondent No.3.

Mr. Pardeep Solath, Advocate
for respondent Nos. 10 & 11.

JAISHREE THAKUR, J.

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of writ in the nature of certiorari quashing order dated 13.04.2018 (Annexure P-20) passed by respondent No.1 and for quashing order dated 12.05.2017 whereby the prayer made for amendment of Annexure-II of Rule 5 and Rule 8 of the Haryana State Co-operative Apex Bank Staff Service (Common Cadre) Rules, 1988 for providing promotional avenues to the post of Technical Experts (Farm and Non-Farm Sector) has been rejected.

In breif, the petitioner herein was appointed as Technical Expert (Farm Sector) and presently working as Technical Expert

(Farm Sector) in Haryana State Co-operative Apex Bank Ltd.-respondent No.3. The service of the petitioner is governed by Haryana State Co-operative Apex Bank Staff Service Cadre Rules, 1988 hereinafter called referred to as service rules. As per the existing rules, there was no further promotional avenue in the cadre of Technical Expert (Farm Sector) which led to a representation filed by the petitioner to the Bank for providing suitable promotional avenues. The matter was eventually considered and a resolution was passed that there should be a promotional avenue.

Learned counsel for the petitioner submits that there were other employees of the respondent-Bank who did not have promotional avenues and had approached the Hon'ble High Court seeking such redressal and the same was allowed. It is submitted that despite a resolution for creating a channel of promotion, the respondent-Bank took no action towards the same which led to the petitioner approaching the authorities by way of filing an appeal and a revision and since the authorities concerned refused to amend the rules giving the petitioner herein a channel of promotion, the instant writ petition was being filed.

Learned counsel for the petitioner very fairly contends that pursuant to the writ petition having been filed and notice of motion issued, an order has been passed on 02.01.2023 whereby the respondent-Bank has decided to upgrade the post of the petitioner from Technical Expert (Farm Sector) Level 7 to Manager (Farm Sector) Level 9 of Haryana State Co-operative Apex Bank and,

therefore, his grievance that there is no channel of promotion, stands redressed and he would not press the writ petition to this extent. He further states that in fact this decision should have been taken at a much earlier stage when a resolution had duly been passed by the Board to create a channel of promotion and therefore, his grievance that he has been denied for seniority is yet to be taken into consideration for which he will approach the authorities concerned.

Learned counsel appearing on behalf of the respondents herein submit that the grouse of the petitioner that there is no channel of promotion stands redressed and as far as seniority is concerned, he would be entitled to seniority only from the date when the post has been upgraded and he has joined on the said post.

I have heard learned counsel for the parties.

In view of the fact that the petitioner is not pressing his writ petition qua the channel of promotion not being made available to the petitioner since his post stands upgraded and would hold that post, the instant petition has been rendered infructuous.

However, in case the petitioner moves a representation seeking seniority, the same shall be considered strictly in accordance with law and his entitlement.

The writ petition stands disposed of accordingly.

14.02.2023
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable?

Yes/no
Yes/no