

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

(213)

CWP-22410-2017

Date of decision:- 23.01.2023

Rajesh Kumar and another**...Petitioners****Versus****State of Haryana and others****...Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. R.S. Mann, Advocate with
Mr. Hardeep Singh, Advocate
for the petitioners.

Mr. R.K.S. Brar, Addl. Advocate General, Haryana.

SUVIR SEHGAL, J. (Oral)

Instant writ petition has been filed under Article 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari for quashing impugned orders dated 09.02.2017, Annexure P-12 and 13.06.2017, Annexure P-13 and for issuance of direction to the respondents to consider the case of the petitioner for promotion from the post of Lab Attendant to the post of Clerk keeping in view the provision of Haryana Education Department Sub Offices Ministerial Group-C Service Rules, 1983 as well as judgments passed by this Court.

Counsel for the petitioners has submitted that one of the reasons which prevailed with the authorities while rejecting the case of petitioner No.1 for promotion is that the department was in the process of challenging the judgment passed by this Court on 13.02.2015 in **CWP-15797-2011** titled **“Joginder Singh Rathee & others Vs. State of Haryana & others”**, whereby a bunch of petitions were allowed. He has invited the attention of this Court to letter Annexure P-13, addressed to petitioner No.2, wherein the respondents have stated as under:-

“ Subject:- Demand of promotion on the post of clerk from back date - Smt. Jai Devi, Lab attendant, G.G. Senior Sec. School, Faridabad Old.

On the above subject regarding letter no. ME-2017 / 2228 dated 07.05.2017 of your office.

Returning the matter under subject in original it is submitted that there is no provision for promotion to the post of clerk from the post of L.A. under the Class IV employees' rules. As far as CWP No. 15797/2012 (sic 2011)-Joginder Singh Rathie v. State of Haryana is concerned, the department has filed LPA in the High Court. As soon as the decision of Court in the LPA is received, the necessary action will be taken as per the rules.”

Concededly, LPA-697-2017 titled as “State of Haryana Vs. Krishan Ram & others” and other connected appeals have been dismissed by this Court vide order dated 01.08.2017 and SLP(C)s bearing Nos. 019469-019472 of 2018 preferred by the State have also been rejected by the Apex Court.

In view of the above development while setting aside impugned order, Annexure P-1, writ petition is disposed of with a direction to the respondent No. 2 to consider the case of the petitioners for promotion in terms of the judgment passed by this Court in “**Joginder Singh Rathee's case** (supra). The exercise be carried out within 4 months from today.

Petition is disposed of.

23.01.2023
Harish Kumar

(SUVIR SEHGAL)
JUDGE

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