

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

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**CWP-6678-2017 (O&M)
Date of decision: 18.01.2023**

Desh Deepak and another

...Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Shalender Mohan, Advocate for the petitioners.

Mr. Rajesh Gaur, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the petition is for quashing the order/minutes of meeting dated 04.10.2016 (Annexure P-7) passed/recorded by the Departmental Promotion Committee vide which the promotion case of the petitioner was deferred on the ground that the Rules were not notified. A further prayer is made to direct the respondents to promote the petitioners to the post of Senior Lecturers in Textile Technology and Food Technology, in terms of Haryana Technical Education Draft Service Rules (Group-A), 2007, from the date when they became eligible.

Learned counsel for the petitioners contends that the agenda No.9 with regard to promotion of the petitioners to the posts of Senior Lecturer, was deferred by requiring the Department to frame new Service Rules of Group 'A' & 'B' after taking into account the new disciplines introduced and get the rules notified expeditiously on the ground that draft Rules have no

statutory force; that earlier also in the DPC held on 10.01.2014, similarly situated persons were promoted in terms of the Draft Rules (Group-A) 2007.

Learned counsel for the petitioners has also placed on record the minutes of the meetings recorded by the DPC on 10.01.2014 and 31.12.2014, wherein similarly situated Lecturers were promoted on the basis of Draft Rules and collective Law also. It is further submitted that while making the said promotions, the DPC had also considered the law laid down by Hon'ble Supreme Court in Abraham Jacob & Others Vs. Union of India, (1998) 4 SCC 65 and Vimal Kumari Vs. State of Haryana and Others, (1998) 4 SCC 114, whereas the case of the petitioners was not considered only on the ground that the Rules were not notified. Learned counsel for the petitioners, thus, lays vehemence for issuance of necessary directions to respondent No.2-Director General, Technical Education, Department of Technical Education, Haryana, to consider the case of the petitioners for promotion to the post of Senior Lecturer as per their seniority.

Vide order dated 25.11.2019 passed by a Coordinate Bench, respondent No.1 was directed to file an affidavit, explaining the adoption of different yardsticks, while making promotion of similarly situated persons.

Affidavit dated 06.12.2019 of the Principal Secretary to Government of Haryana, along with Notification dated 12.11.2019 of Services Rules of Group-A and B, filed in compliance of the order dated 25.11.2019 the on behalf of respondent No.1, is taken on record.

Learned State counsel submits that since the Rules have been notified vide Notification dated 12.11.2019, the case of the petitioner can be considered accordingly in terms of the said Rules.

I have heard the learned counsel for the parties and have also

gone through the documents on record.

It is not disputed that the case of the petitioners for promotion from the posts of Lecturer to that of Senior Lecturer, was deferred as they were not eligible for the promotion as per the Haryana Technical Education Draft Service Rules (Group A) 2007, whereas as per the affidavit dated 06.12.2019 of the Principal Secretary to Government of Haryana, the respondent-department has made some promotions to the posts of Senior Lecturer for new courses wherein service Rules were not notified, on the basis of Draft Rules as the Department was intending to notify the same in near future. Some promotion from amongst the eligible candidates, who had completed eight years of regular service, were made by the DPC, as per the minutes dated 10.01.2014 and 31.12.2014, to meet out the shortage of senior staff in these disciplines.

In view of the above, the present petition is disposed of with a direction to respondent No.2-Director General, Technical Education, Department of Technical Education, Haryana, to constitute a Departmental Promotion Committee to consider the case petitioners for the promotion to the posts of Senior Lecturer, as per the Draft/Notified Rules, after taking into consideration the Minutes of the Meeting of DPCs dated 10.01.2014 and 31.12.2014, within a period of two months *as per their seniority*, from the date of receipt of certified copy of this order, by passing a speaking order, in accordance with law.

(HARNARESH SINGH GILL)
JUDGE

18.01.2023

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No