

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CWP No.9300 of 2017 (O&M)

Date of decision:30.01.2023

Deep Chand and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Arpit Gaur, Advocate for
Mr. Aditya Yadav, Advocate
for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Anurag Goyal, Advocate
for respondents No.4 to 7.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed seeking a writ in the nature of certiorari for quashing impugned order dated 27.04.2017 (Annexure P-2), whereby, the petitioners have been reverted from the post of Head Warder to Warder.

Short reply by way of an affidavit of Inspector General of Prisons, Haryana, Sector 14, Panchkula has been filed on behalf of respondents No.1 and 2, wherein, it has been *inter alia* submitted as under:-

“6. That in view of the above orders passed by the Hon'ble Supreme Court in case Jarnail Singh (supra), the promotion order dated 27.10.2016 of the petitioners in CWP No.9300 of

2017 is legal and valid as before the date of their promotion, i.e., as on 26.10.2016 the detail of the vacancy position of Head Warder (Male) in the Haryana Prisons Dependent is as under:-

<i>1. Total sanctioned posts of Head Warder (Male)</i>	<i>= 255</i>
<i>2. Filled up posts of Head Warder (Male)</i>	<i>= 177</i>
<i>3. Unfilled posts of Head Warder (unreserved quota)</i>	<i>= 27</i>
<i>4. Total posts of Head Warder under 20% SC quota</i>	<i>= 51</i>
<i>5. Filled posts of Head Warder (reserved for SC)</i>	<i>= 42</i>
<i>6. Unfilled posts of Head Warder (reserved for SC)</i>	<i>= 09</i>

Against the 09 unfilled posts of Head Warder (reserved for SC) under 20% promotion quota, only 08 posts have been filed (sic filled) vide order dated 27.10.2016 and thus the promotion granted to the SC employees is less than 20% (only 19.6%) as prescribed under the Article 16 of the Constitution of India.

Hence, the promotion order of the petitioners in CWP No.9300 of 2017 is legal and valid as Hon'ble Supreme Court judgment passed in Jarnail Singh's case (supra)."

In view of the above, writ petition is disposed of with a direction to respondent No.3 to pass a consequential order keeping in view the stand taken by the State before this Court. Let the same be done within a period of three months from the date of communication of copy of this

order.

Till then, interim order dated 02.05.2017 shall remain in operation.

January 30, 2023

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes/No</i>