



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH1.
CWP-4648-2021 (O&M)
Date of decision:-11.12.2024

Rishi Arora and others

.....Petitioners

Versus

Haryana State Industrial and Infrastructure Development Corporation Ltd.

.....Respondent

2.

CWP-4647-2021 (O&M)

Vijay Singh Godaara

.....Petitioner

Versus

Haryana State Industrial and Infrastructure Development Corporation Ltd.

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. R.K. Malik, Sr. Advocate with
Mr. Sandeep Dhull, Advocate for the petitioners
in CWP-4648-2021.

Mr. Gaurav Chopra, Senior Advocate with
Mr. Manan Bhardwaj, Advocate for the petitioner
in CWP-4647-2021.

Mr. Sahil Sharma, Advocate for
Mr. Aman Bhari, Advocate for respondent
in both the cases.

JASGURPREET SINGH PURI J.(Oral)

1. Both the petitions are taken up together for final disposal with the
consent of all the learned counsels for the parties as the issue involved in both
the petitions is same.

2024:PHHC:167956



2. Learned Senior counsel for the petitioners in CWP No.4648-2021 submitted that petitioners were eligible for being promoted to the post of Manager in the year 2018 but for the reasons best known to the respondent, they were not considered for being promoted and the matter was being delayed from time to time. He further submitted that even as per the reply filed by the respondents, a meeting of Board of Directors was held on 10.02.2020 whereby a decision was taken that promotion cases of employees who were eligible upto 31.03.2020 may be taken up as per the provisions of the existing promotion policy of the Corporation and for the first time a test was introduced which the petitioners were not required to take because they were eligible for being promoted prior to the aforesaid date i.e. 31.03.2020. He further submitted that it was only in the year 2022, on 08.06.2022, that the petitioners were promoted, although they were entitled to be promoted from the date in 2018 when they became eligible. He also submitted that now the claim of the petitioners is that the petitioners be given notional date of promotion from the date when the vacancies arose and has referred to the policy of the State of Haryana (Annexure P-1) which has been issued by the Chief Secretary to Government, Haryana in this regard and which has been made applicable to the respondent-corporation in which it has been so provided that the cases for promotions be initiated immediately on the accrual of the vacancy and as far as possible should be finalised within a period of three months but the rights of the petitioners have been jeopardized by the respondent without any justification and without any reason and now the petitioners although have been promoted, are entitled for the grant of notional

2024:PHHC:167956



promotion from the aforesaid date with all the benefits of seniority, increments etc. He submitted that he has specific instructions to state that the petitioners do not wish to press for the financial benefits related to the salary for the aforesaid period, but only the notional benefits should be granted.

3. Learned Senior Counsel appearing on behalf of the petitioner in CWP-4647-2021 submitted that similarly, the petitioner was eligible for promotion to the post of DGM in 2016, and the petitioner has faced the same fate as in the other case, as he was also promoted in 2022. The decision of the Board of Directors in this regard is also applicable to the petitioner in the present case, and the rights of the petitioner have been jeopardized due to the delay caused by the respondent. He further submitted that the petitioner does not wish to press for the difference in salary and only seeks the grant of notional benefits.

4. On the other hand, learned counsel appearing on behalf of the respondent has referred to reply filed by the respondent-Corporation in this regard.

5. I have heard the learned counsels for the parties.

6. The only issue involved in the present cases is as to whether the petitioners in CWP-4648-2021 and the petitioner in CWP-4647-2021 would be entitled for the grant of notional promotion from the years 2018 and 2016 respectively particularly in view of the policy decision of the State of Haryana vide Annexure P-1 and also in the light of the aforesaid decision of the Board of Directors dated 10.02.2020 or not. This Court is of the considered view that it is a fit case to issue directions to the Managing Director of the



respondent-Corporation to consider the aforesaid aspects pertaining to the grievance of the petitioners and thereupon to pass a speaking order after hearing the petitioners or their counsels and to consider the grievances of the petitioners for grant of notional promotion within a period of four months from today and in accordance with law.

7. Disposed of accordingly.

(JASGURPREET SINGH PURI)
JUDGE

11.12.2024
shweta

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