



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

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CWP-4474-2019 (O&M)

Date of decision: 01.08.2024

Dayal Singh

....Petitioner

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Karamveer Singh Banyana, Advocate for the petitioner

Ms. Vibha Tewari, AAG Haryana

AMAN CHAUDHARY. J. (ORAL)

1. The present petition has been filed for quashing the impugned order dated 27.08.2018 vide which the claim of the petitioner for promotion has been rejected on the wrong grounds.

2. Learned counsel submits that the date of regularisation of the petitioner was modified from 01.01.1991 to 01.11.1986, basis thereof, he seeks the benefit of promotion as Technical Assistant (Radio) on 14.03.1994 and also anti dated as was done in the case of similarly situated employee namely Jaspal Singh, who though was working on the post of Electrician-cum-Operator and has been promoted to the post of Technical Assistant (Machine and Sound) on 10.02.1992 vide order dated 10.08.2001, Annexure P-6. Reliance is placed on the noting in his favour of Assistant District Attorney dated 25.03.2018, which has been admitted as a matter of record in para 12 of the written statement, which reads thus:

"Sh.Dayal Singh was regularized on the post of Radio Mechanic vide order dated 13.5.1991. Vide order dated 30.6.1998 Dayal Singh was deemed regularized on to be the post of Radio Mechanic w.e.f. 1.11.1986. By virtue of orders dated 01.11.1986 and by virtue of Haryana Public Relations Department, Technical Wing (Group C) Rules, 1985, Dayal Singh became eligible to be promoted to the post of Technical Assistant (Radio) on 01.11.1989 and actually got promoted as Technical Assistant (Radio) vide order dated 22.03.1994. Since

as per department records and as per roaster register in 1989, promotion to the post of Technical Assistant (Radio) against 8th roaster point was reserved for Schedule Caste Candidate where as person belonging to general category was promoted against 8th roaster point. So, as per rules Dayal Singh was entitled for notional promotion w.e.f. 01.11.1989 with respect to the post of Technical Assistant (Radio).”

3. Learned counsel submits that the aspect of order of rejection has not been dealt with and no reasons have been assigned as also his case has been merely stated to be different from that of Jaspal Singh, while it is not. He thus, at this stage, on instructions from the petitioner prays that a direction is given to the respondents to reconsider the matter in light of the aforesaid in a time bound manner by granting him an opportunity of hearing.

4. Learned State counsel faced with above, submits that the respondents would not be averse to have a relook at the matter.

5. In view of the above and without commenting on the merits of the case, this petition is hereby disposed of with a direction to the respondents to decide and reconsider the matter, taking note of the aforesaid submissions and the order, Annexure P-6 passed in the case of Jaspal Singh within a period of 6 months, which this Court has no reason to believe the authorities would not address in a just, fair and reasonable manner. Upon doing so, after notice and hearing offered to him and if found entitled, grant the benefit forthwith. Needless to say, if the orders are adverse to his interest, the same shall contain reasons and the petitioner shall be free to seek legal redress thereupon.

(AMAN CHAUDHARY)
JUDGE

01.08.2024
M.Kamra

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