

CWP-14831-1999 (O&M)

Date of decision:18.01.2024

K.L.Chandna

.....Petitioner

V/s.

State of Haryana and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MS. JUSTICE NIDHI GUPTA

Present: None for the petitioner.

Mr. Deepak Balyan, Addl.A.G., Haryana.

Ritu Bahri, Acting Chief Justice (Oral).

The petitioner is seeking direction to the respondents to consider and promote him as Superintending Engineer from the date his juniors have been promoted i.e. 09.01.1996.

The case of the petitioner was rejected vide order dated 29.09.1999 by the Commissioner & Secretary to Govt. Haryana, Irrigation Department (Annexure P-7). It has been observed therein that petitioner was an Executive Engineer from the cadre of O.E.S./J.E. i.e. diploma holder and he did not possess the qualification of B.E./A.M.I.E. which is essential for the post of Superintending Engineer as per the provision under rule 9 of Act of 20 of 1995 (Service Rule of Class-I Engineers) or Rule 9 of Punjab Services of Engineers Class-I P.W.D. (Irrigation Branch) Rules, 1964.

On notice of this petition, written statement dated 04.02.2000 had been filed by Under Secretary to Government Haryana, Irrigation Department on behalf of respondents No. 1 and 2. In para No. 11 of the said written statement, it is mentioned that petitioner has already been granted promotion as Executive Engineer

w.e.f. 24.06.1984 vide order dated 14.01.2000. Hence, one of the prayers has

already been answered in favour of the petitioner. With respect to notional promotion to the post of Superintending Engineer w.e.f. 09.01.1996 is concerned, the petitioner does not fulfil essential qualification of B.E./A.M.I.E.

Since the respondents have already taken a stand that the petitioner was not qualified for promotion to the post of Superintending Engineer, therefore, no direction can be given to the respondents to promote him at par with his junior namely O.P.Kathuria who was having degree of B.E./A.M.I.E.

Writ petition is dismissed.

Since the main case has been dismissed, pending application(s), if any, also stand(s) dismissed.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(NIDHI GUPTA)
JUDGE

18.01.2024
Divyanshi

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