



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

CWP-5181-2019 (O&M)
Decided on :24.05.2024

JAGBIR SINGH

. .petitioner

Versus

STATE OF HARYANA AND ANOTHER

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Vikas Lochab, Advocate for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the prayer of the petitioner is for setting aside the impugned order dated 11.12.2018 (Annexure P-5) by which, the claim of the petitioner for promotion to the post of Establishment Officer now designated as Assistant Director (Admin) has been declined.

Further prayer of the petitioner is that the respondents be directed to maintain the ratio of 3.1 for promotion to the post of Establishment Officer as prescribed under Haryana Agriculture Directorate (Group-B) Service (Amendment) Rules, 2003, dated 21.03.2003 (Annexure P-2). The further prayer of the petitioner is to revert the employees who have been promoted to the post of Establishment Officer now designated as



Assistant Director (Admin) by violating the quota prescribed under 2003 Rules.

Learned counsel for the petitioner argues that the petitioner was entitled for the grant of benefit of promotion to the post of Establishment Officer now designated as Assistant Director (Admin) by treating him senior most employee in the cadre of Superintendent and he should be promoted to the post of Establishment Officer now designated as Assistant Director (Admin).

Learned counsel for the respondents on the other hand submits that keeping in view the impugned order dated 11.12.2018 (Annexure P-5) passed by the respondents, the claim of the petitioner for promotion to the post of Establishment Officer now designated as Assistant Director (Admin) has been considered under the rules governing the service and as the petitioner has not been senior most superintendent, he has not been given the said benefit of promotion to the post of Establishment Officer now designated as Assistant Director (Admin). It is further mentioned in the said impugned order that as and when the petitioner becomes senior most superintendent and is in service, the claim of the petitioner for the post of Establishment Officer now designated as Assistant Director (Admin) will be considered and an appropriate speaking order will be passed by the respondents.

Learned counsel for the respondents further submits that the petitioner has already been retired from service on attaining the age of superannuation on 31.08.2020, hence, on the said date of superannuation the petitioner was not the senior most superintendent so as to claim the promotion to the post of Establishment Officer now designated as Assistant



Director (Admin).

I have heard learned counsel for the parties and have gone through the record with their able assistance.

It may be noticed that all the posts of Establishment Officer now designated as Assistant Director (Admin) have already been filled up by the department concerned. Though the prayer has been made by the petitioner to revert back the employees who have been promoted to the post in question by violating the 2003 Rules but no such promotion has been challenged and none of the employee who has already been promoted to the post of Establishment Officer now designated as Assistant Director (Admin) made party to the present petition. In the absence of any challenge in the present petition to the order of promotion of any of the employee to the post of Establishment Officer now designated as Assistant Director (Admin), the relief cannot be granted to the petitioner.

Further with regard to the prayer of the petitioner for promotion to the post of Establishment Officer now designated as Assistant Director (Admin), it may be noticed that in the impugned order, it has been specifically mentioned that while filling up all the post of Establishment Officer now designated as Assistant Director (Admin), the petitioner was not senior most superintendent, hence, the claim of the petitioner cannot be considered keeping in view the facts and circumstances of the present case especially when he has already retired from service.

Even otherwise, nothing has been brought to the notice of this Court that prior to the retirement of the petitioner, any post of Establishment Officer now designated as Assistant Director (Admin) had become available and the petitioner was the senior most superintendent to



claim the said post in accordance with 2003 Rules. Even if, it is assumed that the petitioner was senior most superintendent and there is a vacant post in the cadre of Establishment Officer now designated as Assistant Director (Admin) to be filled up, the same should have been available prior to the retirement of the petitioner i.e. 31.08.2020, hence, in the absence of any document stating that the petitioner was senior most superintendent just before his retirement, no relief can be given to the petitioner as being claimed in the present petition.

Keeping in view the above facts and circumstances recorded herein above, no ground is made out for any interference by this Court in the present petition, **hence, the present petition stands dismissed.**

Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

24.05.2024

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Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*