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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-6596-2024
Date of Decision: 20.03.2024

Subhash Kumar

..... Petitioner

Versus

Haryana State Agricultural Marketing Board and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Pardeep Solath, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* for quashing the impugned order dated 02.11.2023 (Annexure P-16) passed by respondent No.2 being absolutely illegal, arbitrary and against the policy for promotion of the persons.

2. Learned counsel for the petitioner submitted that the petitioner was appointed as Clerk/Auction Recorder against a vacant post of handicapped quota on 01.03.2000 as per requisite qualification and also as per Service Rules. Thereafter, the petitioner was promoted to the post of Mandi Supervisor-cum-Fee Collector on 29.04.2013 by giving benefit of reservation under the Scheduled Caste category. He further submitted that in the final seniority list circulated by respondent-Board, the petitioner was placed at Serial No.303 and thereafter, on 04.09.2019, respondent No.1

granted the benefit of promotion to the petitioner under the physically handicapped quota and was granted deemed date of promotion to the post of Mandi Supervisor w.e.f. 09.03.2007. Thereafter, in the year 2018, the Board circulated a tentative gradation list of Mandi Supervisors in which seniority of the petitioner was not correctly reflected and vide office memo dated 13.12.2021, he was downgraded in the seniority list by showing his date of promotion as Mandi Supervisor as 29.04.2013 instead of 09.03.2007 and his juniors were shown as senior. He further submitted that for a number of times, representations were moved by the petitioner to the respondent-Board, but no action was taken in this regard and ultimately a legal notice dated 07.06.2023 was issued to the respondent-Board vide Annexure P-12, but the grievance of the petitioner was still not redressed. Therefore, the petitioner again submitted a representation dated 08.09.2023 (Annexure P-14) for promotion to the post of Assistant Secretary by correcting the seniority list and granting the benefit of PWD category. However, the claim of the petitioner was straight away rejected by the respondent by passing the impugned order dated 02.11.2023 (Annexure P-16) which was not backed by any reasons. He submitted that at this stage, the petitioner will be satisfied in case his representation dated 08.09.2023 (Annexure P-14) is directed to be decided by passing a speaking order in a time bound manner.

3. Notice of motion.

4. On the asking of the Court, Mr. Samarth Sagar, Addl. AG, Haryana accepts notice on behalf of the respondents and has submitted that he has no objection in case an appropriate direction is issued to respondent No.2 to pass a speaking order on the representation dated 08.09.2023 filed

by the petitioner vide Annexure P-14 in accordance with law.

5. I have heard the learned counsels for the parties.
6. In view of the aforesaid position, without calling for the reply from the respondents and without observing anything on the merits of the case, the present petition is disposed of with a direction to the respondent No.2 to decide the representation dated 08.09.2023 filed by the petitioner vide Annexure P-14 by passing a speaking order in accordance with law within a period of three months from today.

20.03.2024

(JASGURPREET SINGH PURI)

JUDGE

Bhumika

1. Whether speaking/reasoned:

2. Whether reportable:

Yes/No

Yes/No