

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

890

CWP-13198-2009 (O&M)
Date of decision: 30.09.2024

Jai Bhagwan

....Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner

Mr. Tapan Kumar, DAG Haryana

AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petition is to quash the order dated 30.07.2009, whereby respondent Nos.3 and 4 have been promoted from Scheduled Caste category.
2. In the order dated 14.09.2010, it was recorded that the petitioner has also been promoted and joined.
3. Further, learned State counsel refers to para Nos.3 and 4 of the preliminary submissions to which there is no replication, relevant of which read thus:

“Therefore since 4.5.1999 to 1.11.1999, no roster register was prepared by the office. Later on, the Chief Secretary office advised to implement the roster afresh with effect from 2.11.1999 (copy enclosed as R-4) in accordance with advice of the Chief Secretary office dated 8.5.2009 afresh roster register has been prepared by the department, according to which since 2.11.1999 the following promotions has been made from Assistants to the post of Deputy Superintendents.

Sarv.Sh./Smt.	Category	Date of promotion
1. Sudesh Jain	General	9.6.2000 (Now OSD)

2.Suraj Kumar	General	21.7.2000 (Retired)
3. Indu Bala	General	23.10.2002 Now Supdt.)
4. Inder Lal	General	6.9.2006 (Retired)
5. Ashok Kumar	General	6.9.2006
6. Shiv Ram Saini	General	6.9.2006
7. Vinod Kumar	S.C.	30.7.2009 (Adjusted at (Roster Point 4)
8. Attar Singh	S.C.	30.7.2009(Adjusted at (Roster Point 8)

4. That all the above mentioned 6 candidates have been promoted from General Category whereas as per seniority list, (annexure P-1 of the writ petition) Sh. Vinod Kumar who is at Sr. No. 9 in the seniority list and belongs to Scheduled Caste Category, was entitled for the promotion as the Deputy Superintendent against Sr.No. 4 in place of Sh. Inder Lal who has since been retired. Therefore respondent No.3 has legally been promoted against a vacancy occurred as a result of voluntarily retirement of Sh. Inder Lal shown at Sr. No. 4 above. Similarly 8th posts of Deputy Superintendent was also to be filled from the Scheduled Castes category candidate as per roster points. Therefore respondent No. 4 Sh. Attar Singh who is stand at Sr. No. 12 in the seniority list is entitled for the promotion as Deputy Superintendent at Sr. No. 8 of the roster points. Hence he has also been promoted against vacancy seat, which has been occurred due to retirement of an employee. A copy of the roster register is enclosed as Annexure R-5.”

4. In view of the above, the present petition is disposed of, reserving the petitioner with a liberty to get it revived, in case need arises.

(AMAN CHAUDHARY)
JUDGE

30.09.2024
M.Kamra

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