



CWP-20055-2016

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-20055-2016
Date of Decision: 09.07.2024

Parmod Kumar

..... Petitioner

Versus

HUDA and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. S.S. Rana, Advocate,
for the petitioner.

Mr. D.S. Nalwa, Advocate,
for the respondents.

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 *certiorari* for quashing the impugned order dated 01.10.2015 (Annexure P-17) and further for issuance of a writ in the nature of *mandamus* directing the respondents to include the post of Water Meter Reader/Inspector as per the recommendations made by the authorities and further after inclusion of post of the petitioner in the amended Rules to give him promotion to the post of Junior Engineer under 5% quota fixed in the amended Rules as per seniority and further to give current duty charge to the post of Junior Engineer as the respondents have already included non-diploma holder employees.

2. The short point involved in the present case is that the petitioner was appointed to the post of Bill Distributor and thereafter was promoted to



the post of Water Meter Reader in the respondent-HUDA and the next cadre of promotion from the post of Water Meter Reader is Meter Inspector. The impugned order dated 01.10.2015 (Annexure P-17) passed by the respondent-HUDA wherein the grievance of the petitioner is that his prayer for being promoted from the post of Water Meter Reader to the post of Junior Engineer (Civil) has been rejected by the respondent-Authority primarily on the ground that the post of Junior Engineer (Civil) is a technical post whereas the post of Meter Attendant is not a technical post and the petitioner can only be promoted to a non-technical post i.e. to the post of Meter Attendant.

3. Mr. S.S. Rana, learned counsel appearing on behalf of the petitioner submitted that his limited claim may be considered to the extent that as per the Rules governing the services of the employees of HUDA attached as Annexure P-3 would show that for promotion to the post of Junior Engineer (Civil), there is a provision of 5% quota for promotion to be filled up by promotion amongst the holder of three years Diploma in Electrical/Mechanical and Civil Engineering out of a roster of 100 vacancies regarding which a distribution has been made. He further submitted that so far as the present petitioner is concerned, he is having three years diploma in Civil Engineering and therefore, he ought to have been considered against the aforesaid 5% post and in case he cannot be considered in the aforesaid 5% post, then his further prayer for carrying out any amendment in the aforesaid Clause (ii) of the Haryana Urban Development Authority Services Regulations, 1989, which may be considered by the respondents in accordance with law so that he comes at par with the other employees, who



are also having three years diploma in Electrical/Mechanical and Civil Engineering and they are eligible for the post of Junior Engineer (Civil) so as to remove any kind of anomaly in this regard.

4. Mr. D.S. Nalwa, learned counsel for the respondents submitted that now since the prayer of the petitioner is only to the limited extent with regard to his right of being considered for promotion under the aforesaid Clause (ii) is concerned, in case, the petitioner files any comprehensive representation to the respondents in this regard on the basis of the aforesaid limited prayer only, then the same shall be considered by the HUDA strictly in accordance with law by passing a speaking order.

5. Learned Counsel for the petitioner has stated that the petitioner will file a comprehensive representation with regard to the aforesaid limited grievance within a period of one month from today.

6. In the event of the filing of any such representation by the petitioner, the same shall be considered and decided by the respondents by passing a speaking order in accordance with law within a period of six months.

7. The present petition stands disposed of.

09.07.2024

Bhumika

(JASGURPREET SINGH PURI)

JUDGE

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |