

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

105

CWP-22241-2020 (O&M)
Decided on :26.02.2024

OM PARKASH

..PETITIONER

Versus

STATE OF HARYANA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Saurabh Sharma, Advocate for the petitioner.

Mr. Harish Nain, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the grievance of the petitioner is that he is senior to one Gayatri Nandan (respondent No. 3) in the cadre of Electrician and hence, he is entitled for promotion to the post of Head Electrician in preference to the said Gayatri Nandan.

2. In reply to the petition, the respondents have stated that the petitioner was promoted to the post of Electrician on 11.08.2011 in the state transport department, Haryana, whereas, keeping in view the order passed by the Civil Judge, Senior Division, Fatehabad, Gayatri Nandan has been promoted to the post of Electrician w.e.f. 01.10.1999 and the said order has

not been challenged by the petitioner and hence, as of now, in the cadre of Electrician, as per the revised tentative seniority list framed by the department concerned vide order dated 09.07.2020, respondent No. 3 - Gayatri Nandan is at serial No. 1, whereas, the petitioner is at serial No. 48 and hence, claiming the promotion to the post of Head Electrician by the petitioner in preference to the private respondent is incorrect.

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

4. In fact that vide order dated 14.02.2020 passed by General Manager, Haryana Roadways, copy of which has been annexed as Annexure R-2, respondent No. 3- Gayatri Nandan has been promoted from Assistant Electrician to Electrician w.e.f. 01.10.1999, whereas, the petitioner was promoted on the said post of Electrician on regular basis on 11.08.2011, hence, it cannot be said that the petitioner is senior to the said Gayatri Nandan in the cadre of Electrician so as to claim further promotion to the post of Head Electrician in preference to Gayatri Nandan.

5. The order promoting Gayatri Nandan as Electrician w.e.f. 01.10.1999 has not been challenged by the petitioner, hence, in the absence of any challenge to the said order, it cannot be said that Gayatri Nandan is junior to the petitioner in the cadre of Electrician so as to grant him promotion to the post of Head Electrician in preference to said Gayatri Nandan.

6. No other arguments is being raised by the learned counsel for the petitioner.

7. Keeping in view the facts and circumstances of the present case recorded herein above, no ground is made out for the grant of any relief to the petitioner as being claimed by him through present petition, hence, the

present petition **stands dismissed**.

8. However, in case, the petitioner is aggrieved against the order promoting respondent No. 3 - Gayatri Nandan to the post of Electrician w.e.f. 01.10.1999, the petitioner can avail appropriate remedy as admissible to him under the law.

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

26.02.2024

Riya

Whether speaking/reasoned: Yes/~~No~~

Whether Reportable: ~~Yes~~/No

(HARSIMRAN SINGH SETHI)
JUDGE