

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CWP-26349-2019
Date of Decision: 02.05.2024

Parveen Kumar ...Petitioner(s)

Versus

State of Haryana and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Ivneet Singh Pabla, Advocate for the petitioner

Mr. Rohit Arya, DAG, Haryana

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to promote the petitioner as Sub Divisional Engineer (SDE) from the date his juniors were promoted.

2. Learned counsel for the petitioner contends that the only ground for not considering the petitioner for promotion was a pending ‘initial fact finding inquiry’ against him. At that time his juniors were promoted as SDE vide impugned order dated 29.09.2017, Annexure P-2. However, during pendency of the petition, the charges have altogether been dropped vide office order dated 29.12.2021, and further proceedings against him stand closed. In this situation, the petitioner is entitled to be considered for promotion as SDE with effect from the date his juniors were promoted, and in case there is no

vacancy available, a temporary post is to be created for giving him promotion in terms of instructions dated 18.11.1971, Annexure R-4.

3. Learned State counsel is not in a position to dispute the facts aforestated.

4. In view thereof, the petition is disposed of directing the respondents to consider the petitioner for promotion as SDE as per the applicable service rules from the date his juniors were promoted, within a period of three months from receiving a certified copy of this order.

(TRIBHUVAN DAHIYA)
JUDGE

02.05.2024
Payal

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