



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CWP-29054-2022

Date of decision: September 17, 2024

Ajmer Singh

....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**Present:-** Mr. S.S Shekhawat, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Parveen Moudgil, Advocate for respondent no.3.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present petition is to the order dated 04.12.2020 (Annexure P-3) passed by the Director, Welfare of Scheduled Caste and Backward Classes Department, Haryana-respondent no.2 whereby respondent no.3 had been promoted to the post of Deputy Superintendent.

Learned Counsel for the petitioner contends that promotion to the post of Deputy Superintendent was only to be made from amongst Assistants, Accountants, Senior Scale Stenographers and Junior Auditors as per Clause 9 (1) (c)(i) of the Haryana Welfare of Scheduled Castes & Backward Classes Department (Group C) Service Rules, 1997 and that the respondent no.3- Rajkaran was a Statistical Assistant and hence not eligible for being promoted to the post of Deputy Superintendent.



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A short reply, by way of an affidavit of Ms. Vandana Sharma, Deputy Director Social Justice, Empowerment, Welfare of Scheduled Castes and Backward Classes and Antyodaya (SEWA) Department Haryana, Panchkula had been filed on behalf of respondents no. 1 & 2. The averments contained in para number 3 and 4 are as under :

“3.....That in view of above it is submitted that respondent no. 3 was appointed to the post of Steno typist in Hindi language in the year 1990. After that he was promoted to the post of an Accountant-cum-clerk in the year 1994. Further, he was again promoted to the post of Statistical Assistant in the year 2010 vide letter No.EA-3/2010/1849-53 dated 04.02.2010 and joined on 04.02.2010. The respondent no. 3 on 25.08.2015 has requested to adjust him to the post of Assistant instead of Statistical Assistant w.e.f.18.06.2010. The respondent no.3 was promoted from the post of Statistical Assistant to the post of Assistant Research Officer vide letter No.EA-4/2018/23725-29 dated 08.06.2018. This promotion was foregone by him due to his domestic circumstances. Another representation on dated 06.03.2020 was given by the respondent no.3 about his adjustment from the post of Accountant-cum-Clerk to the post of Assistant instead of Statistical Assistant. After taking consideration of the representation submitted by the respondent no.3 he was adjusted to the post of Assistant w.e.f 18.06.2010 i.e. date from which his junior in the cadre of steno typist was promoted to the post of Assistant and further he was adjusted to the post of Deputy Superintendent w.e.f 24.11.2015 i.e. the date from which his junior in the cadre of Assistant Was promoted to the post of Deputy Superintendent. His

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appointment was made on the vacant post of Deputy Superintendent in the office of District Welfare Officer, Jhajjar.

4. *It is also relevant to mention here that respondent no.3 was eligible for promotion to the post of Assistant from the post of Accountant-cum-clerk on dated 18.06.2010. That accordingly respondent no. 3 would have been eligible for promotion to the post of Deputy Superintendent dated on 24.11.2015. The aforesaid position has been detailed as per Haryana Welfare of Scheduled castes and Backward Department, (Group C) Service rule 1997.....”*

It is evident from a perusal of the above that the respondent-Government had considered the representation submitted by the petitioner and he was adjusted to the post of Assistant w.e.f 18.6.2010. The said order whereby the respondent no.3 had been adjusted to the post of Assistant is not a subject matter of challenge. Besides, no replication to the aforesaid reply has been filed even though more than one year has elapsed. It is thus apparent that respondent no.3 would be deemed to be adjusted in the cadre of Assistants and would be eligible in the next line for being promoted as Deputy Superintendent.

In view of all that has been discussed above, the present writ petition is accordingly dismissed.

September 17, 2024
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(VINOD S. BHARDWAJ)
JUDGE

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