

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

117

CWP-28301-2023
Date of Decision: 10.01.2024

Virender Singh ...Petitioner(s)

Versus

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

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. G.C. Shahpuri, Advocate for the petitioner

TRIBHUVAN DAHIYA, J. (Oral)

This petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the impugned order dated 27.10.2022, Annexure P-11, whereby the petitioner's claim for promotion as Senior Lecturer with effect from 08.08.2015 instead of 30.08.2016, and to issue amended/revised order of promotion along with all consequential benefits, has been rejected.

2. Facts of the case in brief are, the petitioner was appointed as Lecturer in Computer Science and Engineering in Government Polytechnic Education Society, Loharu, and joined the post on 08.08.2007. After rendering service for about nine years, he was promoted as Senior Lecturer on 30.08.2016, though was entitled to be promoted with effect from 08.08.2015, i.e., the date of completing eight years of regular service as lecturer. He made representation on 20.10.2020 and thereafter also, requesting the respondents

to issue him the revised promotion order from 08.08.2015, instead of

30.08.2016. The claim was finally rejected vide impugned order dated 27.10.2022.

3. Learned counsel for the petitioner has contended that the petitioner was entitled to be promoted from the date he gained eight years' experience as Lecturer in service. He has also referred to the case of two other employees, namely, Nawal Kishore Arora and Anshu Bhalla, to contend that their orders of promotion were revised by the respondents, and on parity, the petitioner is also entitled to revision of promotion order with effect from 08.08.2015.

4. Heard.

5. A perusal of the impugned order shows that after the litigation regarding promotion of employees ended and the order of the Division Bench was upheld by the Supreme Court, promotion orders of employees to the post of Senior Lecturer/Head of the Department of various disciplines for the Government Polytechnics as well as Government Polytechnic Education Societies, which were made by counting their adhoc as well as regular experience, were revised/modified by counting their regular experiences on the post only, in terms of the law laid down and as per the service rules. Same was the case with other two employees referred to by learned counsel for the petitioner; in that regard the impugned order states as under:

19) That accordingly, the competent authority of respective employees of Government Polytechnics as well as employees of Government Polytechnic Education Societies, modified/ revised the promotion orders of all employees (*who were earlier promoted to the post of Senior Lecturer/ HoD of various*

disciplines by counting their adhoc as well as regular experience) by counting their regular experiences only from the date when they have completed regular experiences as required as per service rules.

Accordingly, the promotion order in respect of Sh. Nawal Kishore and Smt. Anshu Bhala of GPES Loharu (Bhiwani) who were earlier promoted to the post of Senior Lecturer in Electronics Engineering by counting their adhoc as well as regular experience in the year 2011, was revised w.e.f. 10.08.2015 and 13.08.2015 respectively by counting their regular experiences only from the date when they have completed regular experiences by the Chairman, Board of Governors of GPES Loharu (Bhiwani) vide order no. 53 dated 06.08.2019. Similarly, the promotion orders of others employees of Government Polytechnics as well as employees of Government Polytechnic Education Societies, were modified/ revised by counting their regular experiences only from the date when they have completed regular experiences by their competent authority. Hence, the department has only revised the promotion orders of those employees who were earlier promoted by counting their adhoc as well as regular experience.

6. The petitioner, undisputedly, was promoted as Senior Lecturer after completion of eight years of regular experience/service along with other similarly placed Lecturers. No right vests in him to claim promotion from the date of completing eight years in service, nor learned counsel has been able to refer to any service rule which entitles him to such promotion. He has also not been able to show that any junior Lecturer was promoted prior to him. Besides, pursuant to promotion as Senior Lecturer vide office order dated 30.08.2016, the petitioner joined the post and has been working there ever

since. It is only after about four years that he made a representation seeking revised promotion which itself disentitles him to file the petition.

7. In view thereof, there is no merit in the petition, and it stands dismissed *in limine*.

(TRIBHUVAN DAHIYA)
JUDGE

10.01.2024
Payal

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>