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

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**CWP-3231-2019 (O&M).
Date of Decision: 30.01.2025.**

JAI BHAGWAN

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Sandeep Thakan, Advocate
for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

The petitioner has approached this Court for seeking issuance of directions to the respondents to promote him to the post of Sub Divisional Engineer (Civil) w.e.f. 20.12.2018 wherefrom his junior i.e. respondent No.4- Ranvir Singh had been promoted. A further prayer is made that the respondents have not given him the benefit of consideration for promotion against the roster point reserved for the SC category for promotion to Group 'B' service.

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2 Learned State counsel refers to the specific averment made in para No.3, on merits, of the written statement dated 16.07.2020 to the effect that petitioner as well as respondent No.4 were recommended via a common merit list by the Subordinate Staff Selection Board (SSSB) in the year 1989 and in the said recommendation list, respondent No.4 was senior to the petitioner. He submits that despite the said reply having been filed in July 2020, no rejoinder has been filed controverting the specific stand taken therein. Thus, the plea of the petitioner being senior to respondent No.4 stands refuted.

3 The aforesaid prayer is accordingly not pressed by the counsel for the petitioner.

4 While referring to the claim of the petitioner for allowing reservation in promotion along with accelerated seniority, in view of the judgment dated 15.05.2013, counsel for the respondent contends that the same being a group B post, the benefit of reservation in promotion is not available to the petitioner.

5 Reference is also made to para No.9 of the preliminary submissions which is extracted as under: -

“9. That in compliance of the order dated 13.02.2013 in CWP No. 12530 of 2017, the Govt. issued the instructions vide letter No. 22/133/2013-1 GS III dated 04.05.2018 to all Heads of Departments/ Boards/ Corporations including Registrar

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General of Punjab and Haryana High Court, Chandigarh in view of directions given by the Hon'ble Supreme Court of India in case of M. Nagaraj and other versus Union of India in respect of Promotion of scheduled casts in their respective Group C and D cadres only w.e.f. 17.06.1995 till date and clear the backlog in promotion if any. It is relevant to note that the post of Sub Divisional Engineers are classified as Group B posts in the State of Haryana, It is submitted that there is no provision of the reservation of scheduled caste and scheduled tribe in promotion to the post of Sub Divisional Engineer in Punjab Services of Engineers Class-II PWD (B&R) Rule- 1965 as well as instructions dated issued by Chief Secretary to Govt. Haryana vide letter No. 22/133/2013-1 GS III dated 04.05.2018. Therefore, promoting the officials to the post of Sub Divisional Engineers only and strictly as per aforementioned service rules.

In view of the above, the service of the petitioner has rightly been promoted as per his seniority and availability of vacancy under the member of Draftsman and Tracer Service Category. Therefore, the petitioner is not entitled for promotion to the post of Sub Divisional Engineer from the date his junior (Respondent No.4) was promoted as such. Thus, the present writ petition is devoid of merits and deserves to be dismissed with costs.”

6 On being confronted with the same, learned counsel for the petitioner seeks permission to withdraw the present writ petition with liberty to move an appropriate comprehensive representation, if so advised, for seeking redressal of his any other grievance.

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- 7 Learned State counsel has no objection to the same.
- 8 Disposed of as withdrawn with liberties as aforesaid.

January 30, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No