



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
246-3**

**CWP-8044-2021 (O&M)
Date of decision: 20.08.2025**

Ajay Kumar Rathee

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. D.S. Patwalia, Sr. Advocate
with Mr. Gaurav Rana, Advocate
for the petitioner.

Mr. Piyush Khanna, Addl. A.G., Haryana
for respondent No.1.

Mr. B.R. Mahajan, Sr. Advocate
with Mr. Satyam Tandon, Advocate
for respondent No.2 – HSAMB.

Mr. Gaurav Chopra, Sr. Advocate
with Mr. Arun Gupta, Advocate
Ms. Gauri C. Kaushal, Advocate
Ms. Seerat Saldi, Advocate
for the applicants/respondents No.3 to 5
in CM-1069-CWP-2022 filed in CWP-8044-2021.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of an appropriate writ, order or direction, directing the respondents to make public the list of candidates i.e. Sub-Divisional Engineers (SDEs), who have been held to be eligible for participating in the departmental test scheduled for 17.04.2021, including those who have been held to be ineligible, as is mandated for further promotion to the post of Executive Engineer (XEN), with a



further prayer to restrain the respondents from holding the departmental test for promotion to the post of XEN w.r.t. ineligible candidates i.e. the candidates who do not fulfill the minimum experience of six years as Sub-Divisional Engineers (SDEs) or do not possess valid degrees in engineering or have not been substantially promoted as SDE till date. Another prayer has been made to direct the respondents to not to grant Current Duty Charge/Additional Charge qua the post of Executive Engineer (XEN) to those SDE's who do not fulfill the eligibility conditions as mandated by the statutory service rules for promotion to the post of Executive Engineer (XEN).

2. The primary grievance raised by the petitioner relates to the alleged non-compliance with the statutory rules governing promotion to the post of Executive Engineer (Civil/Quality Control), as per the Haryana State Agricultural Marketing Board Service (1st Amendment) Rules, 2009. Appendix 'B' of the said Rules prescribes the eligibility criteria for promotion to the post of Executive Engineer, which includes six years experience as Sub-Divisional Engineer (Civil/Quality Control) along with a degree of Bachelor of Engineering in Civil/Bachelor of Technology or its equivalent from a recognized university. Further, such promotion is subject to the condition of clearing the departmental examination prescribed by the respondent/Board.

3. Learned Senior counsel for the petitioner has referred to the Instructions dated 04.03.2020 (Annexure P-1) and submits that the Government of Haryana has observed that in large number of cases,



Current Duty Charge is given to junior employees, who are not even fit or eligible for promotion and they have been assigned Current Duty Charge of higher posts either in addition to existing duties or independently. The Current Duty Charge is to be given only in exceptional cases where it is necessary and no other alternative is available.

4. Learned Senior counsel for the petitioner has further drawn the attention of this Court to the Instructions dated 04.03.2020 (Annexure P-1) and submits that ineligible junior employees cannot be given Current Duty Charge and such charge, should be given only to senior-most officer, who is fit or eligible for promotion.

5. *Per contra*, learned Senior counsel for respondent No.2, at the very outset, has fairly submitted that respondent No.2 has no intention to violate the prescribed Rules or the Instructions dated 04.03.2020 (Annexure P-1). It is submitted that all the eligible Sub-Divisional Engineers (SDEs) are allowed to participate in the test for becoming eligible for the next promotion, however, the promotion would only be made, if the Sub-Divisional Engineers (SDEs), are having six years of experience and a valid degree from a recognized University, in terms of the applicable Rules. He further submits that respondent No.2 does not propose to deviate from the Instructions dated 04.03.2020 (Annexure P-1) issued by the Government of Haryana.



6. In response, learned Senior Counsel for the petitioner submits that he is satisfied with the stand taken by respondent No.2 and prays that the present petition may be disposed of in terms thereof.
7. In view of the above, the present petition is disposed of.
8. It is made clear that the interim order dated 08.02.2023 shall not operate in other writ petitions, as the present writ petition (CWP No.8044 of 2021) has been decided solely in light of the stand taken by respondent No.2.
9. Pending miscellaneous applications, if any, also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

20.08.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No