



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

LPA No.1321 of 2025 (O&M)

Date of Decision: 08.05.2025

Jagwant Malik and others

...Appellants

Versus

The State of Haryana and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA*
 HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Saurabh Dalal, Advocate
 for the appellants.

 Mr. Harsh Vardhan Shehrawat, Advocate
 for respondent No.23-Caveator.

SANJEEV PRAKASH SHARMA, J.(Oral)

CM No.3239-LPA of 2025

For the reasons mentioned in the application, the same is allowed and the delay of 22 days in filing the present appeal is condoned.

LPA No.1321 of 2025

1. Challenge in the present appeal is to the order passed by learned Single Judge dated 10.03.2025 in *CWP No.29379 of 2018*, whereby learned Single Judge has dismissed the writ-petition preferred by the writ-petitioners assailing the method and manner by which the Instructors, belonging to Vocational Education Institutes who had been absorbed in the ITI, have been considered for promotion to the post of Vice



Principals/Principals Group-B/Principals Group-A.

2. Learned counsel for the appellants submits that the writ-petitioners were the members of the ITI Department before the concerned respondents, who were erstwhile Vocational Education Instructors in the Education Department, had been absorbed. They should have been placed at the lowest in cadre and on account of them being kept in a separate cadre, they have further chances of promotion to the post of Vice Principal/Principal whereas the petitioners are being deprived. Learned counsel also submits that learned Single Judge has erred in rejecting their writ-petition as the petitioners had a superior right to claim promotion over and above the concerned Vocational Education Instructors.

3. We find that the learned Single Judge has noticed that the respondent-Department of Skill Development and Industrial Training introduced Vocational Education Scheme in 1983 and recruitment of Vocational Instructors was made therein. Pursuant to the notification dated 11.06.2008, the Scheme was transferred to the Secondary Education Department. However, the staff of Vocational Education Scheme along-with their posts was to be transferred/adjusted among different Departments. Some staff members were transferred to Secondary Education Department while some others were sent to the Technical Education Department and the remaining were retained in the ITI Department under a separate Vocational Education Instructor cadre (here-in-after to be referred as 'VEI cadre'). Learned Single Judge has also noticed that pursuance to the notification dated 11.06.2008 (supra), the office order was issued on 26.10.2017,



whereby various posts of VE Scheme under the incumbents working in VEIs were finally transferred to the Department of Skill Development and Industrial Training wherein certain terms and conditions were laid down as noticed in the order.

4. We find, that all throughout the VEI cadre has been treated separately in the ITI Department and as per the letter dated 18.07.2007/07.08.2007, separate channel of promotion was made available for VEIs to the post of Vice Principal to be re-designated as Principal (Class II) and norms were also laid down as one post per Institute for VEIs. Similarly for ITIs, Principals and Vice Principals, one each of the Institutes having strength of 400, was provided for the purpose of cadre strength of Principal/Vice Principal. The respondents were promoted against the vacant posts of Principal Group-B and they were not promoted on the post of Principal Group-A and those, who were posted against the vacant post of Principal Group-A, were not to get any benefit and continued to get the benefit of holding of Principal Group-B alone. The order impugned in the writ-petition dated 18.10.2018, therefore, seems to have been clarified by the affidavit filed by the Joint Director (Technical) dated 06.03.2024 and it cannot be said that all the posts of Principals have been filled up by the VEI cadre.

5. The arguments raised by learned counsel for the appellants also found to be without basis. We notice that so far as the cadre of present appellants is concerned, it is separate and there is no inter se seniority *lis* between the VEI cadre and the cadre of the appellants. The channel of promotion is also separate. We also notice that when the VEI cadre was



found and the persons had been absorbed in the Department, the same was not under challenge by the appellants. In these circumstances, they cannot be said to claim posts on which the respondents, who belong to VEI cadre, have been promoted.

6. In view thereto, the classes being two different, having no similar posts are to be treated differently and the claim raised by the appellants is found to be misconceived and without any basis. The order passed by learned Single Judge, therefore, does not warrant any interference. The present appeal is, accordingly, dismissed.

7. Pending miscellaneous application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

08.05.2025
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No