

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2025:PHHC:086841



Civil Writ Petition No. 24381 of 2021 (O&M)
Date of Decision: 16.07.2025

Anil Kumar and others

.....Petitioners

versus

Haryana State Agricultural Marketing Board through its Chief Administrator

....Respondent

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE

Present : Ms. Alka Chatrath, Advocate, for the petitioners.
Mr. Deepak Balyan, Addl. Advocate General, Haryana.
Ms. Shubra Singh, Advocate, for respondent-HSAMB.

SHEEL NAGU, CHIEF JUSTICE (Oral)

This petition has been filed by nine petitioners, who substantively hold the posts of Junior Engineers (Civil).

2. Petitioners were given the current charge of the higher post of Sub Divisional Engineer in various years ranging from 2012 to 2018.

3. Challenge herein is essentially to the order dated 16.06.2021 (Annexure P-10) by which the current charge has been taken away from the petitioners.

4. It is settled in service jurisprudence that no civil post holder has a right to hold current charge of any higher post for any particular period of time. Reliance in this regard is placed on the judgment rendered by the Apex Court in *State of Haryana vs. S.M.Sharma 1993 SCC (L&S) 1072*, relevant paragraph whereof is extracted hereinbelow:-

“We are constrained to say that the High Court extended its extraordinary jurisdiction under Article 226 of the Constitution of India to a frivolity. No one has a right to ask for or stick to a current duty charge. The impugned order did not cause any financial loss or prejudice of any kind to Sharma. He had no cause of action whatsoever to invoke the writ jurisdiction of the High Court. It was a patent misuse of the process of the Court.”

5. Learned counsel for the petitioners, however, submits that the reason assigned in the impugned order dated 16.06.2021 (Annexure P-10) is to minimize the financial implication by placing reliance on the ratio of the judgment rendered in Civil Writ Petition No. 2676 of 2016 (Pawan Kumar and others vs. State of Haryana and others).
6. It is contended that there was no financial implication involved if the petitioners had been allowed to continue on current charge on the posts of Sub Divisional Engineer, since the petitioners had earlier been granted higher pay scale which was equivalent to the pay scale of Sub Divisional Engineer while functioning as Junior Engineer (Civil).
7. The State may or may not have given the correct reasons as shown in the impugned order Annexure P-10 but the fact remains that the petitioners do not have any vested right in holding the current charge of higher post. If there is no right to hold current charge of a particular higher post, the same can be taken away without following the principle of natural justice since no right stands violated.
8. However, before parting, this Court would like to advise the respondent-HSAMB that while bestowing any post holder with the current charge of higher post, the employer is required to adopt non-arbitrary procedure which can be ensured by posting the senior most in the substantive cadre to hold current charge of the higher post provided the said person does not have any tainted record.
9. With the aforesaid observations, the petition stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

16.07.2025

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No/