



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

106

CWP-11090-2026 (O&M)
Date of decision: 07.05.2026

Manoj Kumar

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

Mr. Piyush Khanna, Addl. A.G., Haryana.

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 a writ in the nature of *certiorari*, for setting-aside the impugned order dated 18.03.2026 (Annexure P-6) passed by respondent No.5. Further a writ of *mandamus* has been sought, directing the respondents to grant the current duty charge/lookout charge as Sanitation Inspector to the petitioner and grant him all the consequential benefits.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioner was appointed as a Sweeper in the Municipal Committee, Assandh on 19.03.1999 through Employment Exchange and has rendered unblemished regular service for the last 26 years. He further submits that as per the Government Instructions dated 30.03.1973 governing the policy of promotion of Class-IV employees to clerical



posts, a Class-IV employee possessing Matriculation qualification and completion of five years' regular service is eligible for consideration for promotion to the post of Clerk. The petitioner completed five years of regular service on 18.03.2004 and also passed the Matriculation examination during his service tenure, thereby fulfilling the prescribed eligibility conditions. However, despite submitting the representation dated 28.09.2015 to the Deputy Commissioner, Karnal, his claim has not been considered by the respondents. He further contends that the information supplied by the Secretaries of Municipal Committee, Nilokheri and Municipal Committee, Indri reveals that three sanctioned vacant posts of Clerk are available in the establishment and one is lying vacant. The information obtained under the RTI Act, 2005, through the State Information Officer-cum-City Magistrate, Karnal also substantiates the existence of vacancies. Thereafter, respondent No.5 acknowledging the competence and experience of the petitioner, assigned him additional duty as Sanitation Inspector vide Office Order No.1531 dated 11.08.2025 (Annexure P-5). However, the said additional duty was withdrawn vide Office Order No.423 dated 18.03.2026 (Annexure P-6) without assigning any reason and without affording any opportunity of hearing to the petitioner. Learned counsel for the petitioner further submits that the action of the respondents is arbitrary, violative of the principles of natural justice and unsustainable in the eyes of law. He further argues that despite the petitioner being a regular employee having long experience, the respondents have granted



additional charge to temporary employees after withdrawal of the petitioner's assignment, thereby subjecting the petitioner to discrimination which is in violation of Articles 14 and 16 of the Constitution of India. The impugned action of the respondents in denying consideration to the petitioner for promotion and appropriate assignment despite availability of vacancies and fulfillment of eligibility conditions under the applicable policy is wholly unjustified and liable to be set-aside.

2.1. In support of his arguments, learned counsel for the petitioner relies upon the Full Bench judgment of this Court passed in **CWP-21358-2008**, titled as ***Subhash Chander vs State of Haryana and others***, decided on **20.12.2011** and also the office memorandum No.6/102/2020-4PR(FD) dated 06.01.2023, issued by the Department of Finance, Government of Haryana, issuing clarification regarding pay fixation on assigning the current duty charge.

3. *Per contra*, learned State counsel submits that the present petition is wholly misconceived and not maintainable in the eyes of law, as the petitioner has no vested or indefeasible right to claim current duty charge/additional charge for the post of Sanitation Inspector. He contends that the order dated 11.08.2025 (Annexure P-5), whereby additional duty was assigned to the petitioner, was purely a temporary administrative arrangement made in exigency of service and the same did not confer any legal, statutory or enforceable right upon the petitioner to continue on the said post for an indefinite period. He



further submits that the competent authority is well within its jurisdiction to withdraw or modify such temporary arrangements in administrative interest. As such, it withdrew the current duty charge of the petitioner vide impugned order dated 18.03.2026 (Annexure P-6).

4. Learned State counsel further submits that the information regarding existence of vacant posts obtained under the RTI Act, 2005 does not *ipso facto* entitle the petitioner to seek promotion or additional charge as a matter of right. He further contends that the petitioner continues to hold his substantive post of Sweeper and no prejudice has been caused to the petitioner upon withdrawal of the temporary additional duty.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. The perusal of the impugned order dated 18.03.2026 (Annexure P-6) shows that due to the expansion of the municipal area of Assandh and to ensure effective sanitation services, the petitioner, who was working as a sanitation worker, was temporarily assigned the duties of Sanitation Inspector vide order dated 11.08.2025. The said arrangement had been made purely on a temporary basis in administrative exigency and was subsequently withdrawn on 18.03.2026. The petitioner, in fact, seeks issuance of a writ of mandamus directing the respondents to continue him on the said additional charge and grant him consequential benefits on the premise that one vacancy exists.



7. The relief of mandamus, as prayed for, cannot be granted. It is well settled that a writ of mandamus can be issued only where the petitioner establishes a vested legal right in his favour and a corresponding statutory duty upon the respondents. In the present case, the petitioner has failed to demonstrate any enforceable right to claim appointment, promotion, or continuation on the post of Sanitation Inspector by way of additional charge. Mere existence of vacancies in the cadre does not confer any indefeasible right upon an employee to seek promotion or continuance on a higher post, particularly in absence of a selection process or statutory entitlement.

8. The contention regarding violation of principles of natural justice is also without merit. The assignment of additional duties was purely given to the petitioner due to administrative exigency and its withdrawal does not affect the petitioner's substantive status as a sanitation worker.

9. The reliance placed by learned counsel for the petitioner on the Full Bench judgment of this Court in *Subhash Chander's case (supra)*, is also misplaced. The issue therein pertained to entitlement to pay scale on account of independent charge of a higher post. However, the said judgment does not advance the case of the petitioner in the given facts of the present case, where the core issue relates to withdrawal of a temporary administrative arrangement and not substantive appointment or pay fixation.



10. Moreover, it is a settled law that a person who has been assigned the duties of higher post is entitled to salary of a higher post as has been held by the Hon’ble Supreme Court in *Smt. P. Grover v. State of Haryana, 1983 AIR SC 1060* and *Arindam Chattopadhyay and others v. State of West Bengal and others, Civil Appeal No.25021 of 2013*.

11. In view of the aforesaid discussions, this Court finds no illegality in the impugned order dated 18.03.2026 (Annexure P-6) warranting interference in exercise of writ jurisdiction under Articles 226/227 of the Constitution of India.

12. The writ petition is, accordingly, dismissed.

(HARPREET SINGH BRAR)
JUDGE

07.05.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No