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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-33310-2025 (O&M)
Date of decision: 18.03.2026

Vijender Singh

... Petitioner

Vs.

Chief Engineer (Admin), Haryana Power General Corporation Limited
and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Dilbagh Singh, Advocate
for the petitioner.

Mr. Prince Singh, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

1. Present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* seeking quashing of the order dated 20.05.2025 (Annexure P-3), vide which claim of the petitioner for promotion to the post of Senior Analyst (Chemical Division) from General Category being the only candidate available in the feeder cadre post of Analyst has been rejected on the ground that the post is reserved for SC candidate and further to issue a writ in the nature of

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mandamus directing the respondents to consider claim of the petitioner for the promotion to the aforesaid post w.e.f. 23.04.2025 (*wrongly mentioned as 23.04.2005*) along with all the consequential benefits.

2. On 11.11.2025, following order was passed by this Court: -

*“The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing the impugned order dated 20.05.2025 (Annexure P-3) whereby the request of the petitioner to be promoted against a vacant post reserved for a candidate from the Scheduled Caste category was rejected. Learned counsel for the petitioner has relied upon the judgment rendered by the Coordinate Bench of this Court in CWP No.24608 of 2023 titled as ‘**Kamaljeet Singh and others Vs. State of Haryana and others**’ (Annexure P-10) and submits that in case an eligible employee from the Scheduled Castes category is not available for promotion against the reserved promotional post, the post should be de-reserved and filled up from the general pool.*

*Per contra, learned counsel for the respondents-Corporation refers to **Kamaljeet Singh’s case (supra)** itself and submits that the said judgment has been passed by relying primarily upon the instructions dated 07.10.2023, which are also reproduced on page 3 of the judgment. However, the said instructions only pertain to promotions in Group A & B posts, while the petitioner has raised a claim for consideration of his promotion for a Group C post. As such, his case would be governed by the circular dated 28.02.2013, which deals with grant of reservation in jobs under government/government undertakings and local bodies. He further submits that the*

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*impugned order cannot be challenged at this stage without there being a challenge to the applicable instructions. Therefore, the present petition deserves to be dismissed in view of the judgment rendered by a Division Bench of this Court in ‘**Dhani Ram Chaudhary vs. State of Haryana 2005(1) SCT 571**’.*

List on 01.12.2025.”

3. Learned counsel for the petitioner relies upon the instructions dated 09.02.1979 and 07.10.2023 and submits that in terms of Clause (x) of the instructions dated 07.10.2023, wherein it is specifically mentioned that if an eligible employee belonging to a Schedule Caste is not available for promotion against a promotional post reserved as per roster, an eligible employee of another category may be promoted and whenever a Schedule Caste employee upon becoming eligible is promoted against that post, the already promoted employee will be adjusted against a supernumerary post until an unreserved vacancy of promotion quota arises and without any loss of *inter-se* seniority. It is submitted that the petitioner is only eligible available employee in the feeder cadre in General category and as such, he is entitled to be promoted in terms of the instructions dated 09.02.1979 and 07.10.2023. Learned counsel further places reliance on a judgment dated 01.04.2025 passed by the Coordinate Bench of this Court in **Kamaljeet Singh**’s case (*supra*).

4. *Per contra*, learned counsel for the respondents submits that in **Kamaljeet Singh**’s case (*supra*), instructions dated 07.10.2023 were under challenge and the Coordinate Bench of this Court has dealt with applicability



of creamy layer to the employees belonging to Schedule Castes in reservation. He further submits that the aforesaid instructions dated 07.10.2023 only pertains to promotion in Group A and B, while the petitioner has raised the claim for seeking promotion to a Group C post. As such, his case would be covered by the instructions dated 28.02.2013, which were issued in suppression of all earlier instructions including the instructions dated 09.02.1979. Copy of the instructions dated 28.02.2013 is taken on record as Mark 'X'. Registry is directed to tag the same at the appropriate place of the case file.

5. Further, the instructions dated 28.02.2013 (Mark 'X') does not provide for de-reservation of post(s) reserved for the employees belonging to Schedule Castes and rather explicitly provides that these instructions are applicable in case of Class III and IV posts for direct recruitment as well as for promotion. Further, it is expressly provided in these instructions that in case, the posts are to be filled up by way of promotion, the benefit of reservation should be given, where the basis of promotion is seniority-cum-merit.

6. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the issue involved in **Kamaljeet Singh's** case (*supra*) has no nexus with the controversy involved in the present petition. Further, the reliance placed by the petitioner on the instructions dated 07.10.2023 is totally misconceived, as

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the same are applicable to Group A and B posts. For ready reference, the instructions dated 07.10.2023 are reproduced hereinbelow: -

*“No.22/56/2023-5HR-III
HARYANA GOVERNMENT
HUMAN RESOURCES DEPARTMENT
(HUMAN RESOURCES-III BRANCH)*

Dated Chandigarh, the 7th October, 2023

To

- 1. All the Administrative Secretaries to Government Haryana*
- 2. All Heads of Departments in the State of Haryana.*
- 3. All the Managing Directors of Boards/Corporations in the State of Haryana.*
- 4. All the Divisional Commissioners in the State of Haryana.*
- 5. All the District & Session Judges in the State of Haryana.*
- 6. All the Deputy Commissioners in the State of Haryana.*
- 7. The Registrars of all the Universities in the State of Haryana.*

*Subject. **Matter of backwardness and inadequacy of representation of Scheduled Castes in Promotion in Group A & B posts in State Government Services.***

Sir/Madam,

I am directed to invite your attention to the subject cited above and to say that keeping in view the principles laid down by the Apex Court in the case of Jarnail Singh and others Vs Lachhmi Narain Gupta and Ors. (I), (2018) 10 SCC 396 & (II), 2022 (10) SCC 595 and Judgement of the Punjab & Haryana High Court order in CWP No. 22475 of 2018 (Same Singh & others Vs State of Haryana & Others), the Government, in exercise of the powers conferred under Article 16 (4A) of the Constitution of India, has decided to grant the benefit of reservation in promotion in all the cadres of Group A & Group B posts, to the employees belonging to the Scheduled Castes, to the extent of 20% of the sanctioned posts of promotional quota

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subject to the following terms and conditions:-

- (i) This benefit will be admissible on all the posts of Group A & Group B but not on the highest promotional post of a cadre. For appointment on the highest promotional post the inter-se seniority, as per the applicable Service Rules, will be taken into account.*
- (ii) This benefit will be admissible where the number of sanctioned posts to be filled up through promotion is two or more.*
- (iii) This benefit will be implemented cadre-wise considering the total number of sanctioned posts to be filled up through promotion,*
- (iv) The Departmental Promotion Committee (DPC) and/or the competent authority for promotion to a post of Group A or Group B, as the case may be, shall, on the basis of number of employees belonging to Scheduled Castes already appointed to the promotional posts, come to a conclusive opinion on their current representation on promotional posts being 20% or not.*
- (v) Where the actual representation is less than 20% only the eligible Scheduled Caste employees working on feeder post (s) will be considered first against the vacant posts of promotion quota upto the extent of shortfall. Where the actual representation is already 20% or more, the eligible employees working on feeder post (s) will be considered for promotion in accordance with the applicable Service Rules.*
- (vi) For the purpose of determination of cadre-wise adequacy of the present representation, all employees belonging to the Scheduled Castes who are working on any Group A or Group B post, as the case may be, filled up through promotion will be*

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considered irrespective of the manner of appointment to the said promotional post.

(vii) The employees not belonging to the Scheduled Castes who have already been promoted to a post of Group A or of Group B will not be reverted to fulfill any current deficiency of 20% reservation for Scheduled Castes employees. The deficiency, if any, will be completed immediately upon availability of a promotional quota post.

(viii) No employee belonging to a Scheduled Caste, who is otherwise eligible, will be deprived of promotion just because the limit of 20% reservation has already exceeded or would exceed on account of his promotion on seniority-cum-merit.

(ix) The Roster Points as already allocated by Government in the instructions issued vide No. 22/10/2013-IGS-III, dated 15.07.2014, or as amended from time to time, for the purpose of direct recruitment against the posts of Group A & Group B reserved for Scheduled Caste candidates will be applicable. Further, the instructions/guidelines already issued by Government for Group C & D employees vide NO.22/33/2007-3GS-I, dated 24.09.2008/22.10.2008, for the purpose of replacement theory or application of roster point, as the case may be, shall also be strictly followed at the time of grant of benefit of reservation in promotion.

(x) Where an eligible employee belonging to a Scheduled Caste is not available for promotion against a promotional post reserved as per the roster, an eligible employee of another category may be promoted. Whenever a Scheduled Caste employee upon becoming eligible is promoted against that post, the already promoted employee will be adjusted against a supernumerary post until an unreserved vacancy of

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promotion quota arises, and without any loss of inter-se seniority.

(xi) This benefit will be without consequential seniority in the promotional post.

(xii) This benefit will not be admissible for the purpose of grant of ACP Pay Level where the percentage has been fixed for the purpose in a cadre.

(xiii) Since the Jarnail Singh batch of cases is pending in the Hon'ble Supreme Court, all promotion orders issued in pursuance of these instructions will be subject to any further orders that may be passed by the Hon'ble Supreme Court in the said batch of cases.

(xiv) The Appointing Authority shall issue the promotion orders only after satisfying itself that the conditions mentioned in these instructions have been fully complied with.

2. These instructions will be applicable with immediate effect and will apply to all Departments, Boards, Corporations, Universities and Statutory Bodies etc., under Haryana Government and may please be brought to the notice of all concerned for strict compliance. All the previous instructions already issued by Government for reservation in promotion to Group A & B posts are hereby withdrawn.

Yours faithfully,

*(Satbir Singh)
Deputy Secretary Human Resources,
for Chief Secretary to Government, Haryana”*

7. The instructions dated 09.02.1979 stands superseded by the instructions dated 28.02.2013, which provides quantum of reservation for

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direct recruitment and promotion in Class III & IV posts. It is clearly envisaged in the instructions dated 28.02.2013 that in the case of posts to be filled up by way of promotion, the benefit of reservation would be given where the basis of promotion is seniority-cum-merit, which is the issue involved in the present petition. These instructions do not provide for de-reservation of posts reserved for the employees belonging to Scheduled Castes, on account of non-availability of eligible available candidates from Scheduled Castes.

8. Furthermore, the petitioner has not challenged the instructions dated 28.02.2013 and in view of the law laid down by the Division Bench of this Court in ***Dhani Ram Chaudhary***'s case (*supra*), no relief can be granted to the petitioner in the absence of challenge to the aforesaid instructions.

9. In view of the above discussion, this Court does not find any ground to exercise the extraordinary powers under Article 226 of the Constitution of India. Accordingly, the present petition is dismissed with no order as to costs.

10. The pending miscellaneous application(s), if any, shall stand disposed of.

[**HARPREET SINGH BRAR**]
JUDGE

18.03.2026

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No