

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-23089-2018 (O&M)

Decided on 02.09.2025

Ram Phal

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Parveen Kumar Rohilla, Advocate for the petitioner

Mr. Rahul Dev Singh, Addl. AG Haryana

Mr. Ashwani Bhardwaj, Advocate for respondents No.5&6

Sandeep Moudgil, J.

(1). The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India for issuing a writ of certiorari quashing the impugned order dated 31.08.2018 (Annexure P4) vide which respondents No.4 to 6 have been promoted as Head Mechanic. A further direction is sought to consider the petitioner's claim for promotion as Head Mechanic from the date respondents No.4 to 6 were promoted as such along with consequential benefits.

(2). The petitioner was appointed as Helper with the Haryana Roadways, Jind on 01.06.1986. He was promoted as Assistant Fitter and transferred to Panipat where he earned another promotion to the post of Mechanic vide order 08.12.2015. While the respondent No.4 Samay Ram, Head Mechanic was appointed to the post of Helper on 04.02.1991 with the Haryana Roadways, Karnal, respondent No.5 Nanu Ram Head Mechanic was appointed to the post of Helper on 01.05.1992 with the Haryana Roadways Yamuna Nagar and respondent No. 6 Ashwani Sharma Head Mechanic was

appointed to the post of Helper on 18.11.1993 with the Haryana Roadways Panipat.

(3). Learned counsel for the petitioner contends that the above-mentioned private respondents have been promoted as Head Mechanic without considering the claim of the petitioner who is senior to them and is duly qualified for the said promotion without any rhyme or reason. He submits that the petitioner even served a legal notice to the official respondents regarding his claim on 09.02.2018 followed by reminder but no action has been taken on it till date. Hence, he has preferred the present writ petition.

(4). In the written statement dated 19.01.2021 filed by Vikas Narwal, General Manager, Haryana Roadways, Panipat, it has been averred that the petitioner is not entitled for promotion as respondents No.4 to 6 were already promoted to the post of Mechanic on 23.01.2008 with the Haryana Roadways, Panipat whereas the petitioner was posted at Haryana Roadways Jind and cases of promotion upto the level of Mechanic is considered on the basis of depot level seniority only. The relevant averments made in the written statement read as under:-

“...Therefore, petitioner is not entitled to claim for promotion to the post of Head Mechanic equal to the private respondents No.4 to 6 as they were already promoted to the post of Mechanic on 23.01.2008 with the Haryana Roadways, Panipat. Whereas petitioner Sh. Ramphal was posted at Haryana Roadways, Jind, as such in case of promotion up to the post of Mechanic the depot level seniority is considered. And concerned General Manager is competent Authority to consider the case of promotion up to Mechanic. Thereafter, Petitioner was transferred to the office of General Manager Haryana Roadways, Panipat therefore, he was promoted to the post of Mechanic w.e.f. 08.10.2015 vide order No.4055/ECW/Dated 08.12.2015 as per seniority

of Panipat depot. And it is further submitted that the case of promotion for the post of Head Mechanic the Seniority of Head quarter/ Directorate level is considered.

4. The service condition for the post of Helper (Technical) is governed under Haryana Transport Department Haryana Roadways (Group-D) Service Rules, 1998 notified dated 17.07.1998 and Rule 9(1) (0) provide or the recruitment to the post. Entry at serial No. 15 of appendix 'B' of said Rules, 1998 provided the academic qualification as ITI Certificate in respective trade. The Competent/Recruiting Authority is General Manager concerned, therefore, the post if of Depot level and inter-se seniority at Depot level is the requirement of the rules. Further the promotional post of Helper (Technical) are Assistant Fitter/ Assistant Turner/ Assistant Electrician/ Assistant Blacksmith etc. and these promotional posts are Group-C Cadre with further promotion to Mechanic/ Blacksmith/Turner/Electrician etc. from the respective trade and as per the Service Rules notified vide notification dated 06.01.1995, namely Haryana Transport Department (Group-C) Haryana Roadways Service, 1995, these promotional posts are also of depot level and inter-se seniority at Depot level is prepared as per the rules aforesaid. However, the petitioner has not challenged the relevant provisions of the rules providing inter-se seniority for depot level for the posts upto Mechanic, therefore, there is no law point for adjudication in present writ petition. It is submitted that the private respondents were working as Mechanic since 23.01.2008 in Panipat Depot. However, at that time petitioner was posted at the Haryana Roadways, Jind Depot having different seniority. Thereafter, Petitioner was transferred to the office of General Manager Haryana Roadways, Panipat therefore, he was promoted to the post of Mechanic w.e.f. 08.10.2015 vide order No.4055/ECW/Dated 08.12.2015 as per seniority of Panipat depot. So, the private respondents are senior as Mechanic, which is feeder post to Head Mechanic. The recruitment in case of Head Mechanic is at the level of Directorate and Director is the competent Authority for promotion. The senior most Mechanic/Borer/Calibrating Mechanic/Turner are the Feeder Cadres to Head Mechanic and inter-

se seniority at State level amongst the Feeder Cadre is prepared for promotion to the post of Head Mechanic...”

(5). Having heard learned counsel for the parties, it can be seen that in view of the applicable Service Rules and the factual matrix, it is clear that promotions up to the post of Mechanic in Haryana Roadways are determined at the depot level, with seniority based exclusively on inter-se ranking within each depot, as per the rules governing Group-D and Group-C posts. The petitioner, having been promoted as Mechanic at Panipat Depot only w.e.f. 08.10.2015, cannot claim parity with private respondents No. 4 to 6, who were promoted as Mechanics at Panipat much earlier, on 23.01.2008 and have accrued higher seniority at depot level. The claim to further promotion as Head Mechanic is governed by seniority at the State (Directorate) level amongst the feeder cadre; and since the private respondents hold seniority as Mechanics only at the relevant depot level well before the petitioner’s own promotion at Panipat, they are rightly treated as senior in the feeder post for such promotion. The petitioner has neither challenged the relevant rules nor established any legal infirmity in the preparation of seniority lists or the promotional process. In the absence of violation of rules or manifest arbitrariness, no ground is made out for interference with the respondents’ action.

(6). In view of the above explained position, this writ petition is devoid of any merit and is accordingly dismissed.

02.09.2025

V.Vishal

1. *Whether speaking/reasoned?*

2. *Whether reportable?*

(Sandeep Moudgil)
Judge

Yes/No

Yes/No