

114 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025:PHHC:073125



CWP No.8735-2025
Date of Decision: 28.05.2025

Vikas Yadav @ Vikash Yadav

....Petitioner

vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sarvjit Singh Khurana, Advocate
for the petitioner

Mr. Raman Sharma, Addl. A.G., Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 28.02.2025 (Annexure P-4) whereby he has been reverted to the post of Junior Engineer.
2. The petitioner was promoted vide order dated 20.06.2023 (Annexure P-2). In the said order, it was categorically mentioned that his promotion is subject to the condition that in case his senior is exonerated from the charge-sheet pending against him, he would be reverted without any notice and his senior would be promoted. The petitioner claims that in view of specific condition of the promotional order, he cannot claim promotional post, however, respondents have promoted his juniors. Therefore, the junior most employee should be reverted instead of him. Some posts are going to be vacant within few months. He may be kept on promotional post on *ad-hoc* basis instead of reverting him.



3. Mr. Raman Sharma, Addl. A.G., Haryana during the course of hearing filed affidavit disclosing that two persons namely Seema Devi and Om Parkash Bhuna were promoted to the post of Sub Divisional Engineer on or after the date of appointment of petitioner. The claim of petitioner that his juniors have been promoted is misplaced. Seema Devi was promoted on 01.01.2025 in AMIE Drawing quota and Om Parkash Bhuna was promoted on 20.06.2023 in Diploma quota. The petitioner was promoted under Degree quota. Seema Devi was promoted from an entirely different quota and Om Parkash Bhuna was senior to the petitioner, thus, he was bound to be promoted prior to petitioner. In the promotion order, it was specifically mentioned that he would be reverted if claim of another employee is settled in his favour. As proceedings against another employee namely Rakesh Kumar came to be withdrawn, thus, department promoted Rakesh Kumar as per his turn for promotion.

4. From the perusal of record, it is evident that promotion of petitioner was subject to claim of Rakesh Kumar. As Rakesh Kumar came to be promoted as per his turn, the respondents were duty bound to revert the petitioner.

5. At this stage, Mr. Sarvjit Singh Khurana, Advocate submits that Om Parkash Bhuna has retired on attaining the age of superannuation, thus, petitioner may be considered for the post of Sub Divisional Engineer.

6. In the backdrop, the petition stands disposed of with a direction to respondents to consider petitioner for promotional post as and when there is vacant post. The respondents shall keep in mind the fact that petitioner was promoted vide order dated 20.06.2023 and was reverted on 28.02.2025,



meaning thereby, he had worked for almost two years on the promotional post.

(JAGMOHAN BANSAL)
JUDGE

28.05.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No