

**(2013) 08 P&H CK 0198**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : CWP No. 20964 of 2011**

Harnam Singh and Others

APPELLANT

Vs

Haryana Urban Development Authority and Others

RESPONDENT

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**Date of Decision :** 05-08-2013

**Acts Referred:**

**Citation :** (2013) 08 P&H CK 0198

**Hon'ble Judges :** M.M.S. Bedi, J

**Bench :** Single Bench

**Advocate :** S.K. Panwar, for the Appellant; Neeraj Khanna, for the Respondent

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## Judgement

M.M.S. Bedi, J.—The petitioners seek a writ in the nature of certiorari for quashing the final list of combined seniority list (Annexure P-5 and P-6) which have been prepared by the Executive Engineer, Haryana Urban Development Authority, Faridabad for promotion of different employees to the post of Water Pump Operators. Grievance of the petitioners is that they are working as Sewermen and Beldar and are thus entitled to be considered as per Rule 4 of HUDA Service Regulation 2009 to be promoted as Water Pump Operators.

2. The Haryana Urban Development Authority (Regular Work Charged Field Staff) in Civil Electrical and Horticulture Wings Service Regulations, 2009 prescribes a qualification for Water Pump Operator in Appendix B attached to Regulation 7, which reads as under:-

Water Pump Operator/Generator operator:- minimum 7 years experience as WPO Helper/Key man/Oil Man/Petrol Man/Mali-cum-Chowkidar/Head Sewer Man/Sewer Man/Mali-cum-Pump Attendant/Chowkidar-cum-Pump Attendant/Diesel Engine Helper & Chowkidar/Beldar posted on Public Health Installation/experience in Public Health works only.

3. It is apparent from the abovesaid rule that the petitioners fulfill the necessary eligibility to be considered for appointment as Water Pump Operator. Without expression of any opinion whether the respondents intend to make appointments

by way of direct recruitment or promotion, it is sufficient to observe here that the respondents cannot deny the petitioners' claim for consideration against the vacant post by way of promotion. The petitioners, however, cannot have a claim against the vacancies for direct recruitment. Since no promotions have been made to the post of Water Pump Operator, this petition deserves to be disposed of as premature as no cause of action had arisen to file this petition on the basis of the list Annexure P-5 having prepared by the respondents. This petition is accordingly disposed of with a direction that as and when the respondent No. 5 has to make appointments of Water Pump Operator other than by direct recruitment, the claim of the petitioners on the basis of their experience as Sewermen or Beldar would be considered. In case, the petitioners are considered ineligible for the purpose of promotion against the posts other than direct recruitment, they would be entitled to approach this Court again. It is directed that in case, the petitioners file any representation to the respondent No. 5 for inclusion of their names in the eligible candidates for recruitment to the posts other than direct recruitment, their claim would be considered within a period of six months after the submission of representation. In case, the petitioners file a representation within one month, no recruitment other than direct recruitment for the post of Water Pump Operators will be made without considering the right of the petitioners and other similar circumstanced employees.