
(1997) 08 P&H CK 0133
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 16699 of 1996

Satbir Singh

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 18-08-1997

Acts Referred:

Citation : (1998) 1 LLJ 263

Hon'ble Judges : R.S. Mongia, J;M.L. Koul, J

Bench : Division Bench

Advocate : S.P. Singh, Amol Rattan, AGG and Raman Mahajan, for the Appellant;

Final Decision : Dismissed

Judgement

1. Vide order dated May 31, 1996 Respondent No. 3 Smt. Vimal Vyas Assistant Librarian has been asked to work against the post of Librarian in the Haryana Civil Secretariat Library in her own pay scale. This order is under challenge in this writ petition.

2. Learned counsel for the petitioner submits that though the petitioner be junior to Smt. Vimal Vyas but Smt. Vimal Vyas does not hold the qualifications for the post of Librarian in the Haryana Civil Secretariat Library. The case of the respondents, on the other hand is that the recruitment to the post of Librarian in the Haryana Civil Secretariat is made on the basis of the memorandum dated May 31, 1977, copy of which is Annexure R-1, issued by the Chief Secretary to Government of Punjab to the Chief Secretary to Government of Haryana, in which it is mentioned that 7 years experience as Assistant Librarian is necessary for promotion to the post of Librarian. There are no statutory Service rules governing the promotion to the post of Librarian. Be that as it may, we are of the view that the order Annexure P-2 dated May 31, 1996 does not in terms promote respondent Smt. Vimal Vyas to the post of Librarian in the Haryana Civil Secretariat Library. It is only that she has been asked to work against the post. In Ramakant Shripad Sinai Advalpalkar Vs. Union of India and others, , it was

held as under:-

"Asking an officer who substantively holds a lower post merely to discharge the duties of a higher post cannot be treated as a promotion. In such a case he does not get the salary of the higher post, but gets only that what in service parlance is called a "charge allowance". Such situations are contemplated where exigencies of public service necessitate such arrangements and even consideration of seniority does not enter into it. The person continues to hold his substantive lower post and only discharges the duties of the higher post essentially as a stop gap arrangement."

3. In view of what has been observed above, since Respondent No. 3 has been asked to only work against the post of Librarian in her own pay scale, it is not a promotion. As and when the post is sought to be filled in by regular method of promotion/direct recruitment or any other method, the cases of eligible persons shall be considered.

Subject to the observations made above, we find no merit in this petition and the same is hereby dismissed.