



HOUSING BOARD HARYANA
PLOT NO.C-15, AWAS BHAWAN, SECTOR-6, PANCHKULA

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ORDER

Sh. Ved Parkash was initially appointed on the post of Junior Engineer (Electrical) on the recommendation of HSSC vide No. HSSC/Confid./Recomm./2014/294 dated 20.06.2014 and he joined Housing Board Haryana on 21.08.2014. During his service, he acquired the degree of B.Tech. (Electrical) in the year 2019 and B.Tech. (Civil) in the year 2023 with the permission from Housing Board Haryana. He represented through proper channel that he is having the qualification of Civil Engineer and he may be promoted to the post of Assistant Engineer (Civil).

He got promoted vide order dated 08.07.2024 issued vide Endst. No. HBH/Admn-1/2024/3795-3814 dated 09.07.2024 to the post of Assistant Engineer (Civil), whereas qualification for promotion to Assistant Engineer (Civil) Appendix-B Sr. No. 23 describes about the procedure to be followed while promoting Assistant Engineer (Civil) which is reproduced as under:

23.	Assistant Engineer (Civil)	Qualified Engineer with a degree in the relevant discipline from a recognized Institution with knowledge of Hindi/Sanskrit upto Matric Standard (50% by direct recruitment).	By Promotion 50% by promotion from the following categories:- (i) From the Junior Engineer (Civil)/Assistant Sub Divisional Engineer (Civil) (Diploma holder) of the Housing Board Haryana. 35% (ii) From the Circle Head Draftsman (Diploma holder) of Housing Board Haryana with minimum 2 years service in the Board. 2% (iii) From the Junior Engineers (Civil)/Assistant Sub Divisional Engineer (Civil) of Housing Board Haryana possessing BE/AMIE degree with minimum 5 years service in the Board. 11% (iv) From the Draftsman of Housing Board Haryana Possession BE/AMIE degree with minimum 5 years service in the Board. 2%
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On his promotion, Junior Engineers of Civil cadre represented that Sh. Ved Parkash was wrongly promoted to the post of AE (Civil). After considering their representation, promotion order dated 08.07.2024 issued vide Endst. No. HBH/Admn-1/2024/3795-3814 dated 09.07.2024 had been withdrawn vide Endst. No. HBH/Admn-1/2024/3914-42 dated 18.07.2024 immediately as Sh. Ved Parkash is governed by the service rules of Housing

Board Haryana (Recruitment and Conditions of service of officers' and employees) Regulations, 2006 (Amended in 2018) as applicable in his case. Appendix-B Sr. No. 24 describes about the procedure to be followed while promoting Assistant Engineer (Electrical) which is reproduced as under:

24.	Assistant Engineer (Electrical)	Qualified Engineer with a degree in the relevant discipline from a recognized Institution with knowledge of Hindi/Sanskrit upto Metric Standard (60%).	By Promotion (i) From the Junior Engineers (Electrical)/Assistant Sub Divisional Engineer (Electrical) (Diploma holder) of the Housing Board Haryana. 30% (ii) From the Junior Engineers (Electrical)/Assistant Sub Divisional Engineer (Electrical) of the Housing Board Haryana possessing BE/AMIE degree. 10%
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Thereafter, when it came to the notice that above mentioned withdrawal of promotion order dated 18.07.2024 had been passed without issuance of show cause notice or without affording an opportunity of personal hearing 21.08.2024, order dated 18.07.2024 has also been withdrawn to initiate further course of action by following due procedure of law.

Hence, vide No. HBH/Admn-1/2024/4746 dated 29.08.2024 a show cause notice had been served to Sh. Ved Parkash, Assistant Engineer (Civil). In the said notice he was asked to submit his representation if any to the Competent Authority within a period of 7 days from the receipt of this notice. It was further mentioned that no extension of time shall be granted to submit his representation.

In response to the above stated notice he had submitted his reply to show cause notice which was received in the office on 09.09.2024 and further written statement on 12.09.2024 at the time of hearing and reiterated the same contents as mentioned in written statement.

Now, the matter has been examined in light of the representation and replies submitted by Sh. Ved Parkash in the matter. I have also perused relevant rules which are applicable in this case. After perusing the same, it reveals that the promotion order of Sh. Ved Parkash is not in consonance with the relevant rule of regulation of 2006 (amended in 2018) reproduced as above. Further, the qualification for promotion for the post of Assistant Engineer

(Civil) as prescribed in Appendix B, Sr. No. 23 as reproduced above clearly stipulates in condition no. (iii) that the employee should be "From the Junior Engineers (Civil)/Assistant Sub Divisional Engineer (Civil) of Housing Board Haryana possessing BE/AMIE degree with minimum 5 years service in the Board. 11%". Whereas, Sh. Ved Parkash was appointed initially on the post of Junior Engineer (Electrical) which is a separate cadre from Junior Engineer (Civil). Hence, he is not entitled for benefit which is meant for Civil Cadre post of Junior Engineer.

It is also relevant to mention here that the Hon'ble Supreme Court of India in case titled as "*Indian Council of Agricultural Research & Anr. v. T.K. Suryanarayan & Ors., (1997) 6 SCC 766*" held that *if erroneous promotion is given by wrongly interpreting the rules, the employer cannot be prevented from applying the rules rightly and in correcting the mistake. It may cause hardship to the employees but a court of law cannot ignore Statutory Rules.* Hence, the promotion of Sh. Ved Parkash earlier made to the post of Assistant Engineer (Civil) is contrary to statutory rules and the same needs to be corrected to avoid legal complication and wrong precedent.

Further, even during personal hearing granted to Sh. Ved Parkash, no cogent reason has been presented by him which entitled him to consider against the post of Assistant Engineer (Civil). Hence, it is ordered to revert Sh. Ved Parkash from the post of Assistant Engineer (Civil) to his original post as Junior Engineer (Electrical) with immediate effect.

I order accordingly.


Chief Administrator
Housing Board Haryana

Endst. No. HBH/Admn-1/2024/

Dated:-

A copy of the reversion orders dated 13.09.2024 of Sh. Ved Parkash from the post of Assistant Engineer (Civil) to his original post as Junior Engineer (Electrical) with immediate effect is forwarded to the Secretary to Hon'ble Minister, HFA, Haryana for kind information.

Supdt. (Admn.)
For Chief Administrator

Endst. No. HBH/Admn-1/2024/

Dated:-

A copy of the reversion orders dated 13.09.2024 of Sh. Ved Parkash from the post of Assistant Engineer (Civil) to his original post as Junior Engineer (Electrical) with immediate effect is forwarded to the PS to Commissioner & Secretary to Govt. of Haryana, Department of HFA for kind information.

Supdt. (Admn.)
For Chief Administrator

Endst. No. HBH/Admn-1/2024/ 5033-52

Dated: 16-09-2024

A copy of the reversion orders dated 13.09.2024 of Sh. Ved Parkash from the post of Assistant Engineer (Civil) to his original post as Junior Engineer (Electrical) with immediate effect is forwarded to the following for information and necessary action:-

1. The CE/CAO/STP/Architect/DDA/ CRO (PM) I and II/ RO (E&A)/ Manager Store, Housing Board Haryana, Panchkula.
2. The PA/Chief Administrator, PS/Secretary, HBH, Panchkula.
3. The Executive Engineer, Housing Board Haryana, Panchkula, Karnal, Faridabad, Rohtak and Gurugram.
4. Sh. Ved Parkash, Assistant Engineer (Civil), HBH, Faridabad presently working in CRO (PM) Branch, HBH, Panchkula.
- ✓ 5. IT In-charge, Housing Board Haryana, Panchkula for uploading on website of HBH.

Supdt. (Admn.)
For Chief Administrator