

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.20689 of 2015

DATE OF DECISION: NOVEMBER 2, 2015

LAKHAN SINGH

...PETITIONER

VERSUS

UNION OF INDIA & OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MR. JUSTICE DARSHAN SINGH.**

1. Whether the judgement should be reported in the digest? Yes/No

PRESENT: MR. D.R.SHARMA, ADVOCATE FOR THE PETITIONER.

M. JEYAPPAUL, J.

1. The writ petitioner is working as Pharmacist ever since 30.8.1984 with the respondent-Ordnance Factory. The writ petitioner has stated that the issue of career progression in respect of paramedical staff of Ordnance Factories was examined by a Committee under the Chairmanship of V.Kumaraswamy. It recommended a 4 tier promotional scheme for Pharmacist in the Ordnance Factories. The final recommendation of the Committee was duly accepted by the Ordnance Factory Board, but the proposal was referred to 6th Central Pay Commission. The grievance of the writ petitioner is that he is suffering from lack of promotional avenues. He has sought for a direction to the Ordnance Factory Board to provide promotional avenues to him as he has faced stagnation since 1984 on the lines of the proposal submitted by Ordnance Factory Board.

2. The Central Administrative Tribunal, Chandigarh Bench (for

short 'Tribunal') having adverted to the issue arisen in this matter observed that the issue of stagnation has been adequately redressed by the respondents by introducing Assured Career Progression Scheme/Modified Assured Career Progression Scheme. The Tribunal also thought it fit to direct the respondent-Department to consider the grievance of the writ petitioner at the appropriate time as regards his plea for better designation.

2. It was submitted by the learned counsel appearing for the writ petitioner that a time bound direction may be issued to consider the plea of the writ petitioner to provide a promotional avenue as the writ petitioner has faced stagnation in the post of Pharmacist right from the year 1984.

3. We find that there is no merit in the above submission made by the learned counsel appearing for the writ petitioner. The grievance of the writ petitioner has been adequately redressed by the respondents by introducing Non-Functional Upgradation and Assured Career Progression Scheme/Modified Assured Career Progression Scheme. Mere recommendation made by a Committee constituted by the respondents and acceptance of the recommendation made by it does not give any vested constitutional right to the writ petitioner to canvass for implementation of the recommendation. It is only the Executive who has to take a final decision to provide promotional avenues based on the recommendation made by the Committee constituted by it. No positive direction, in the above facts and circumstances, can be issued by the Court to implement the recommendation, which would amount to stepping out of the jurisdiction of this Court.

4. In view of the above, we do not find any merit in the writ petitioner and therefore, it stands dismissed.

(M. JEYAPPAUL)
JUDGE

November 2, 2015
Gulati

(DARSHAN SINGH)
JUDGE