

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 120

Case No. : C. W. P. No. 6288 of 2015

Date of Decision : April 06, 2015

Gurjinder Singh and another Petitioners
Vs.
State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Ms. Neha Jain, Advocate
 for the petitioners.

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DEEPAK SIBAL, J. :

Through the present writ petition, the petitioners seek quashing of order dated 08.01.2015 (Annexure P-6), whereby their claim for promotion to the post of Tubewell Operators has been rejected. The petitioners further pray for the issuance of a direction to the respondents to consider their case for promotion to the post of Tubewell Operators or any other Class III post.

For the same relief, as claimed by them in the present writ petition, the petitioners had earlier approached this Court through C. W. P. No. 17518 of 2013 - Gurjinder Singh and others vs. State of Punjab and others. On 10.01.2014, this writ petition was dismissed as withdrawn by passing the following order :-

“Petitioners, who claim themselves to be working as Chowkidars with Municipal Council, Jandiala Guru-respondent no.4 are seeking a writ of mandamus for directing the respondents to consider their cases for promotion to the post of Tubewell Operator as also emoluments for the said post, on which they are allegedly performing their duties.

At the time of hearing it is conceded that there are no sanctioned posts of Pump Operators available for promotion of the petitioner to the aforesaid post. Even the fact as to whether they are performing their duties, as claimed, or not would be a question of fact to be determined in

appropriate proceedings.

At this stage, counsel for the petitioners craves the indulgence of this Court for withdrawing the present writ petition with liberty to seek their remedy in accordance with law.

Dismissed as withdrawn with liberty aforesaid.”

From the above reproduced order, it is clear that this Court earlier had considered the same claim as made by them in the present writ and declined to interfere, while permitting the petitioners to withdraw their writ petition, with liberty to seek their remedy in accordance with law.

Without taking recourse to any other remedy, which would have been available to them in law, the petitioners made a representation to the respondents, and then, when the same remained undecided, they again approached this Court through **C. W. P. No. 9805 of 2014 - Gurjinder Singh and another vs. State of Punjab and others**. Learned counsel appearing on behalf of the petitioners has submitted that in this writ petition, through a reference of having earlier filed **C. W. P. No. 17518 of 2013** was made, but the order passed therein had not been disclosed.

The second writ petition filed by the petitioners i.e. **C. W. P.**

No. 9805 of 2014 was disposed of by this Court on 20.05.2014 by passing the following order :-

“Petitioners have filed this petition seeking a direction to the respondent-Municipal Council, Amritsar to promote them to the post of Pump Operators.

Learned counsel for the petitioners has submitted that for redressal of their grievance, petitioners had served notice (Annexure P-6) on the respondents but no action has been taken on the same so far.

Accordingly, without expressing any opinion on the merits of the case, this petition is disposed of with a direction to respondent No.1 to dispose of the notice (Annexure P-6) expeditiously, in accordance with law, preferably within three months from the date of receipt of the certified copy of this order, by passing a speaking order.”

In pursuance to the above direction given by this Court, the representation made by the petitioners through order dated 08.01.2015 (Annexure P-6) was decided, wherein their claim was rejected on the ground that there were no sanctioned posts of Tubewell Operators/Pump Operators, on which the petitioners sought promotion and that even otherwise, the petitioners were not qualified for promotion against those posts.

It is against the order of rejection dated 08.01.2015 (Annexure P-6) that the petitioners have again knocked the doors of this Court through the present writ petition.

It is the admitted position that for the same relief, as claimed in the present writ petition, the petitioners had earlier approached this Court through **C. W. P. No. 17518 of 2013**, which had been ordered to be dismissed as withdrawn, with liberty to the petitioners to seek their remedy elsewhere in accordance with law.

In view of the above, in my opinion, the present writ does not lie.

Irrespective of the above, in spite of repeated questions posed by me, learned counsel appearing on behalf of the petitioners could not point out the existence of any sanctioned post of Tubewell Operator/Pump Operator or any other Class III posts against which the petitioners sought

promotion.

Learned counsel for the petitioners further could not throw any light on the fact showing the petitioners to be eligible for promotion to any Class III posts, as per applicable rules. In fact, no such rules were shown.

That being so, finding the present writ petition to be devoid of any merit, I order dismissal of the same.

No costs.

(DEEPAK SIBAL)
JUDGE

April 06, 2015
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