

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.36 of 2014

Date of Decision:- 14.07.2015.

Bua Singh

.....Appellant

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B. BAJANTHRI**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. S.M. Sharma, Advocate for the appellant.

Mr. Aman Bahri, Additional A.G. Punjab.

SURYA KANT, J. (ORAL)

1.) The appellant came to this Court in the year 1995 seeking his promotion from the post of Surveyor to Junior Engineer (Civil). The writ petition was dismissed by learned Single Judge on October 8, 2013 on the ground that as per the Statutory Regulations, there is no channel of promotion from Surveyor to Civil Overseers (now termed as Junior Engineer). Two instances relied upon by the appellant did not impress the learned Single Judge who held that a precedent is not binding if it was rendered in ignorance of a statute or rule.

2.) We have heard learned counsel for the appellant in support of this appeal. It is true that there are two instances where Surveyors were appointed as Junior Engineers (Civil) relaxing the eligibility conditions and keeping in view their experience and that they were litigating for such promotions. The appellant has admittedly retired from service after getting promotion in his own channel. In these circumstances, the effective relief of promotion cannot be granted to him even if we direct the authorities to consider the desirability of relaxing qualification in his case. We, therefore, decline to interfere with the order passed by learned Single Judge.

3.) Dismissed.

**(SURYA KANT)
JUDGE**

**(P.B. BAJANTHRI)
JUDGE**

July 14, 2015.

sandeep sethi