

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15491 of 1996
Date of Decision: 30.05.2016

Prithvi Pal Singh and another

... Petitioners

Versus

The State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioners.

Mr. Piyush Bansal, DAG, Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

1. At the time of filing the petition, the petitioners were Laboratory Attendants directly recruited in 1985. They have staked claim for promotion to the post of Clerk through a type test on the analogy of promotion from cadre of Class-IV employees as Clerks who have successfully cleared the type test. What the petitioners' say is that they were permitted to appear in the Punjabi typing writing test held in 1991 but they have not been promoted despite clearing the test. The Police Department where they worked clarified vide instructions dated March 18, 1993 that the cadre of Laboratory Attendants in the Forensic Science Laboratory, Punjab is a cadre separate from the cadre of Class-IV employees and, therefore, Laboratory Attendants cannot be promoted as Clerks by the same analogy via a type test. The claim of the petitioners is not based on rules of service and in the absence of a claim based on the feeble analogy that since Class-IV

employees can be promoted as Clerks through a type test they have a right to promotion by enforcing the result of the type test held in 1991`is not tenable and, therefore, I find no reason to interfere with the view of the Police Department that the petitioners have no case. Merely, being allowed to sit in the type test gives them no indefeasible right to appointment by promotion when rules of service do not support such an avenue for Laboratory Attendants to become Clerks as matter of right.

2. The petition fails and is hereby dismissed.

(RAJIV NARAIN RAINA)
JUDGE

30.05.2016

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