

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 14943 of 2016 (O&M)

Date of Decision: 28.7.2016

Manoj Kumar

--Petitioner

Versus

State of Haryana and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. R.K. Agnihotri, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The prayer in the instant petition is for issuance of a Writ of Mandamus for directing the respondents to promote the petitioner to the post of Clerks which are presently lying vacant in District Karnal.

Petitioner is working on the post of Sweeper. Counsel submits that a 20% quota has been prescribed for Class-IV employees for promotion to the post of Clerk. It is contended that in Municipal Committee, Karnal there are presently two posts of Clerk lying vacant and which fall to such promotion quota and against which the present petitioner has a vested right to be promoted.

Having heard learned counsel for the petitioner at length, this Court is of the considered view that no intervention would be required, at this stage.

It is not the case of the petitioner that any junior has been promoted. It is open to the respondent authorities to decide as to when a particular post is to be filled up. Needless to mention that as and when the post of Clerk is to be filled up from amongst the 20% quota prescribed for Class-IV employees, all eligible candidates would have a right to be

considered including the petitioner, if, he also fulfills the eligibility conditions.

The right of the petitioner in law would be for consideration for promotion. A Writ of Mandamus cannot be issued directing the respondents to fill up a post which may be lying vacant. Even otherwise, the petitioner has not set up a case that the respondents are resorting to a methodology, whereby posts falling in 20% promotion quota for Class-IV employees are being kept vacant for any oblique consideration.

Writ petition is, accordingly, disposed of with the observations that as and when the posts of Clerks falling in 20% promotion quota in Municipal Committee, Karnal are to be filled up, rights of all the eligible candidates would be considered strictly in accordance with law.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

28.7.2016
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Whether speaking/reasoned: Yes.

Whether Reportable: No.