

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.15257 of 2016

Date of Decision:-01.08.2016

Gopal Singh & Ors.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Ranjit Singh, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

Petitioner no.1 Gopal Singh was promoted as Inspector and retired on attaining the age of superannuation w.e.f. 31.10.2006 from the Department of Transport, Punjab. Similarly, Pritam Singh and Ajit Singh- petitioner nos.2 & 3 retired from the rank of Conductor on attaining the age of superannuation w.e.f. 31.10.2010 and 30.06.2011 respectively from the Transport Department, Punjab. They are claiming notional promotion as Inspectors as granted vide order dated 24.12.2014 (**P-1**) to other similarly situated employees from the back date.

Counsel for the petitioner heard at length.

It is not in dispute that the post of Inspector is governed by the rules framed under proviso to Article 309 of the Constitution, titled as Punjab Roadways (Operational) State Service Class-III Rules, 1977. The said Rules are stated to have been amended on 7.6.2000 whereby the mode

of recruitment to the post of Inspector was 100% by promotion. The qualification and experience required for the feeder cadre post of Sub Inspector is minimum period of 05 years or conductors with a minimum of 10 years or ticket verifiers with minimum of 15 years. The order at Annexure P-1 reveals that there was a challenge laid to the *inter se* seniority of ticket verifiers by senior persons and those were claiming promotion w.e.f. junior ticket verifiers pursuant to the order passed by this Court or the trial Court, they were granted notional promotion w.e.f. the dates the junior ticket verifiers had been promoted. The claim of petitioner for notional promotion thus cannot draw any sustenance from the orders P-1. Nothing has been placed on record to substantiate that any person junior to the petitioners was ever promoted as Inspectors. That apart petitioners stood retired from service for periods beyond three years, therefore, even on the ground of delay and laches the petition cannot be entertained in writ jurisdiction of this Court.

Dismissed.

(JASWANT SINGH)
JUDGE

August 01, 2016
Vinay

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No