

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

**Civil Writ Petition No. 17427 of 2016 (O&M)
Date of Decision: 27.08.2016**

Randhir Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Arvind Kashyap, Advocate
for the petitioners.

JASWANT SINGH, J. (ORAL)

1. Three petitioners, namely Randhir Singh, Rohi Ram and Raj Kumar joined as Pump Operators/Fitters in the Department of Water Supply and Sanitation, Punjab on 10.05.1987, 01.04.1978 and 01.06.1996, respectively. The next channel of promotion from the post held by them is to that of a Junior Engineer governed by statutory rules called Punjab Department of Water Supply and Sanitation Junior Engineers (Group-C) Service Rules, 2006. The Rules were further amended on 26.05.2010 whereby two streams/cadres of Civil and Mechanical Junior Engineers were merged, and thereby the cadre strength of Junior Engineers came to be 755 w.e.f. 18.04.2012. The recruitment to the post of Junior Engineers provides 75% quota for direct recruits, and 25% for promotees. 25% quota for promotion is further sub-divided as 6% for Non-Diploma Holders Technicians i.e. Pump Operators/Fitters etc., 15% for Diploma Holders Technicians and 4% for Draftsman etc.

2. It is averred that the petitioners had acquired Diplomas during their service and have thus become eligible for promotion in 15% quota for promotion to the post of Junior Engineer. It is further averred that the promotions were not made from the quota meant for Diploma Holders on the ground that diploma certificates were yet to be verified, whereas the Non-Diploma Holders were regularly being promoted from the year 2012 onwards in their 6% quota. Resultantly, such promotees were permitted to steal a march over the petitioners in the next higher rank of Junior Engineers. Hence, the petitioners approached this Court by filing CWP No. 6130 of 2015, which was disposed of vide order dated 01.04.2015 **(Annexure P-10)** directing the Authorities to decide the representation dated 16.02.2015 filed by them for their promotions within their quota. The said direction has culminated into passing of the order dated 26.05.2015 **(Annexure P-11)** whereby the petitioners have been promoted as Junior Engineers w.e.f. 26.05.2015.

3. The grievance of the petitioners in the present petition is regarding denial of retrospective promotion w.e.f. May 2012, April, 2013 and 06.06.2014, respectively, on the basis that vacancies in their quota stood available for their promotions. It is submitted that at the relevant time, promotions were not made as their diploma certificates had not been verified, thus for fault of the Department, their cause should not be prejudiced as they become juniors to promotee under 6% quota of Non-Diploma Holders.

4. After hearing learned counsel for the petitioners, no case for interference is made out.

5. It has not been pointed out that there was any statutory requirement for filling up the vacancies every year or soon after the availability of the vacancies in the respective quota or the manner of filling up of *inter se* vacancies of promottee quota. Learned counsel for the petitioner has also not been able to point out any case law commanding that retrospective promotion has to be granted from the date, the vacancy arose in the absence of any statutory provision, requiring of filling up the vacancies every year or from the time it arose. It is also not the case that the respondents have violated any statutory rule providing for the method of promotion from amongst the Non-Diploma Holders, Diploma Holders and Draftsman etc. It is a conceded position that no junior person in their quota has been promoted prior to the promotion of the petitioners. Thus, it cannot be accepted that the petitioners are entitled to be promoted retrospectively with effect from the dates, vacancies in their quota became available.

6. In view of above, present petition stands dismissed.

August 27, 2016

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**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes
Whether Reportable	No