

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

Date of decision:08/07/2016.

Raj Kumar and another

.....Petitioners

VS

Punjab Vidhan Sabha, Chandigarh through its Speaker and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Parveen Chauhan, Advocate for the petitioners

Jaswant Singh,J(Oral)

Both the petitioners are working as Peons, a Class IV post, with the Punjab Vidhan Sabha. They are seeking quashing of the promotion order dated 15.9.2015 (P-5) whereby respondents 6 to 9 namely Jaswinderjit Singh, Ranjit Singh, Gobind Sharma and Jasvir Kumar have been promoted as Record Restorers.

It is claimed that respondents 6 to 9 are juniors to the petitioners and have been promoted without considering the claim of the petitioners.

Learned counsel for the petitioners heard at length.

The information derived qua all the private respondents placed at Annexure P-3 reveals that all the private respondents were promoted as Clerks/ Junior Assistants/Senior Assistants and Record Restorers on dates much beyond the limitation period of three years for even filing a civil suit. They were promoted being Matriculates.

A reply to the Legal Notice issued to the Department at

qualification for the post of Record Restorer by way of promotion by way of promotion provide that Group D employees must possess 10+2 and knowledge of Computer. Petitioners concededly do not possess such qualifications. It has not been shown that the provision in the Draft Statutory Rules violates any provision in the Statutory Rules laying down the essential qualifications. It is well accepted that the provisions of Draft Rules not violating any previous Statutory provisions can be made basis for taking a decision.

In view of the above, no case for interference is made out.

Dismissed.

08.07.2016
joshi

(Jaswant Singh)
Judge