

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

Civil Writ Petition No.7448 of 2016

Date of Decision: April 25, 2016

Hardial Chand

....Petitioner

versus

Central Administrative Tribunal, Chandigarh Bench and others

.....Respondents

**CORAM:** HON'BLE MR.JUSTICE SURYA KANT.  
HON'BLE MR.JUSTICE A.B.CHAUDHARI.

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Present: Mr.N.P.Mittal, Advocate, for the petitioner.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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Surya Kant, J. (Oral)

The petitioner is aggrieved by the order dated 13.08.2015 (P-6) passed by the Central Administrative Tribunal, Chandigarh Bench, whereby his Original Application challenging the order of cancellation of his promotion, has been dismissed.

The facts are not in dispute. The petitioner is a differently abled person with 45% disability. While working as Assistant in the Employees' State Insurance Corporation, Punjab Region, he was promoted to the cadre of Social Security Officer/Manager Grade-II/Superintendent on regular basis vide order dated 26.04.2012. There were 312 Assistants/ Head Clerks like the petitioner who were promoted vide the above-stated order and his name figured at Sr.No.284. The

petitioner was asked to join at Jammu. It was clearly stipulated in the promotion order that in case the promotee does not join at the new place of posting, his promotion shall stand cancelled. The petitioner represented for his retention in Punjab Region on account of his disability but his representation was turned down for want of vacancy in Punjab Region. He was given an opportunity to join at Jammu but as he failed to avail such opportunity, the authorities cancelled his promotion order.

The aggrieved petitioner approached the Tribunal who has upheld the action of the authorities after observing that the respondent-authorities had uniformly cancelled the promotion orders of all those promotees who declined to join the new place of posting/Region of posting. Such a criteria was applied in non-discriminatory manner and even amongst disabled persons. For example, one Madhu Rani, a disabled person was transferred on promotion from Haryana to Madhya Pradesh Region. As she also declined to join the new Region, her promotion order was cancelled with that of the petitioner.

Since the authorities have acted strictly in accordance with the terms and conditions of the promotion order and the promotees, if they were so keen, were expected to join the new place of posting, no exception can be taken to the view taken by the Tribunal.

Dismissed.

[SURYA KANT]  
JUDGE

*April 25, 2016*  
*mohinder*

[A.B.CHAUDHARI]  
JUDGE