

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

115

Civil Writ Petition No.12842 of 2017
Date of Decision: June 2nd, 2017

Hanuman Prasad Bahri and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Praveen Gupta, Advocate
for the petitioners.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court seeking a writ of certiorari for setting aside the order dated 21.04.2016 (Annexure P-9) being totally non-speaking and a mere eyewash being non-compliance of the order dated 14.12.2015 (Annexure P-7) passed by this Court in CWP No.25969 of 2015, wherein directions were issued to the respondents to decide the legal notice dated 30.12.2014 by passing a speaking order preferably within a period of four months from the date of receipt of certified copy of the order and for a mandamus with a direction to the respondents to take further action in terms of the order dated 21.04.2016 (Annexure P-9) within some stipulated time for redressal of the grievance of the petitioner.

It is the contention of learned counsel for the petitioners that the petitioners who are working as Deputy Managers (Production) with the Punjab State Cooperative Milk Producers Federation Limited do not have the same number of opportunities for promotion to the post of Manager and General Manager at par with the Deputy Managers of the other disciplines. Deputy Managers (Production), the cadre to which the petitioners belong, had been approaching the respondents as they are stagnating whereas the

Deputy Managers of other categories/disciplines are promoted to the post of Manager and General Manager. Petitioners, highlighting this grievance, had earlier filed CWP No.25969 of 2015 as the legal notice which was served upon the respondents on 30.12.2014 was not being decided. This Court issued directions on 14.12.2015 disposing of the writ petition directing the respondents to pass a speaking order.

In pursuance to the said order, after consultation with the petitioners, the Managing Director had passed the order dated 21.04.2016 (Annexure P-9), wherein it was mentioned that the Management had taken notice that the promotions of the Deputy Managers (Production) were comparatively slow as related to the Deputy Managers of different disciplines. This was due to various reasons one of which was that the rules need to be amended which was required to be approved by the Board of Directors of the Registrar, Cooperative Societies, Punjab. The Management has initiated the steps to make necessary amendment of rules for which a revised staff structure was under preparation and the same would be put up before the Board of Directors and Registrar, Cooperative Societies, Punjab, for consideration and approval. This was being done with an intention to provide the Deputy Managers (Production) avenues and opportunities for promotion as the other disciplines. He on this basis contends that despite the said order having been passed by the Managing Director upon the legal notice in compliance with the order passed by this Court on 14.12.2015, no action as such has been taken as till date the petitioners are continuing to stagnate. Petitioners have further issued a notice through counsel on 19.09.2016 (Annexure P-10) but that

also has not solicited any response. Counsel, thus, contends that the impugned order being a sheer eyewash, deserves to be set aside and direction be issued to the respondents to take action within some stipulated time for redressal of the petitioners which has been acknowledged by them. He, therefore, prays that a mandamus may be issued in said terms.

I have considered the submissions made by the counsel for the petitioners and with his assistance, have gone through the records of the case as pointed out by him.

It is apparent from the facts as pleaded that unless the cadre strength and the revised staffing structure is put in place/prepared and approved by the Board of Directors as also by the Registrar, Cooperative Societies, Punjab, followed by the amendment of the statutory rules governing the service, the grievance of the petitioners cannot be redressed. The relief which has been prayed for by the petitioners is purely a policy matter in which the Court generally do not interfere unless there is apparent *mala fides* on the part of the policy makers. This Court does not find anything which would indicate any *mala fides* on the part of the respondents in that terms except that the petitioners are asserting that they do not have same promotional avenues vis-a-vis Deputy Managers of other disciplines.

That apart, this is not a case where there are no promotional avenues provided in the statutory rules rather it is an admitted case that because of the larger cadre strength of the Deputy Managers (Production), their turn for promotion comes late. This is a pure administrative decision to be taken by the management of the Society in which this Court finds no

reason or justification to interfere. As of now, petitioners have no statutory right which can be enforced through the Court which is denied to them by the respondents mandating issuance of a writ. The prayer for issuance of a mandamus, thus, cannot be accepted nor can such a mandamus be issued in the given facts and circumstances of the present case.

The writ petition, therefore, stands dismissed.

June 2nd, 2017
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No