

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

**CWP-26533-2017 (O&M)
Date of decision: 20.11.2017**

Parduman Singh

... Petitioner

Vs.

State of Punjab & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Kapil Kakkar, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

Petitioner is serving on the post of Executive Engineer with the Municipal Corporation, Amritsar.

The instant writ petition has been filed raising a two fold claim;

- (i) issuance of a writ of mandamus is sought to direct the respondent/authorities to consider the case of the petitioner for regular promotion to the post of Superintending Engineer;
- (ii) prayer has been raised that the petitioner be granted the emoluments admissible to the post of Superintending Engineer against the backdrop that the current duty charge of such post was vested with the petitioner vide order dated 15.09.2016 (Annexure P-13) and inspite of having discharged the duties and responsibilities of the post of Superintending Engineer, the emoluments have not been released.

Learned counsel representing the petitioner would submit that in pursuance to the proceedings of a DPC held in January, 2016, junior to the petitioner was promoted on 09.01.2016. Further submitted that the petitioner is due to retire on 31.01.2018 upon attaining the age of superannuation and as such, he is vested with a right to be considered for promotion to the post of Superintending Engineer.

Counsel for the petitioner has been heard at length.

Insofar as the prayer of the petitioner for a writ of mandamus to be issued to direct the respondent/Corporation to consider the case of the petitioner for promotion to the post of Superintending Engineer is concerned, no interference in the matter is called for.

Even taking the submission advanced by counsel that a junior had been promoted as Superintending Engineer on 09.01.2016 and to the derogation of the rights of the present petitioner to be correct, it has gone uncontroverted that the petitioner chose not to agitate the matter in such regard. It is the pleaded case of the petitioner himself that a DPC is to be held in the first week of December, 2017 against the four vacant posts of Superintending Engineer. The instant petition is founded on an apprehension that the claim of the petitioner inspite of being eligible (as claimed) would not be considered in the ensuing DPC proceedings.

No cause of action, as such, has arisen to the petitioner to invoke the extraordinary writ jurisdiction of this Court in relation to the departmental proceedings which are yet contemplated.

In any case, in the instant petition, there is no challenge raised to the action of the respondent/Corporation in having denied to the

petitioner consideration for promotion to the post of Superintending Engineer in January, 2016.

As regards the second prayer raised in the petition, pleadings on record indicate that the petitioner was vested the current duty charge of the post of Superintending Engineer on 12.09.2016 and that he has discharged the duties and responsibilities of such post since then. If such factual assertion is correct, it would be open for the petitioner to approach the respondent/authorities to claim salary for the post against which he has worked.

Disposed of.

20.11.2017

harjeet

(TEJINDER SINGH DHINDSA)

JUDGE

- | | |
|--------------------------------|-----|
| (i) Whether speaking/reasoned? | Yes |
| (ii) Whether Reportable? | No |