

CWP No.745 of 2014 (O&M)

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

**CWP No.745 of 2014 (O&M)  
Date of Decision : 17.01.2017**

Sanjeev Verma

..... Petitioner

versus

Punjab University and others

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

**\*\*\***

Present : Mr. Vishal Sodhi, Advocate  
for the petitioner.

Ms. Balpreet Kaur Sidhu, Advocate  
for the respondents.

**\*\*\***

**AJAY TEWARI, J. (Oral)**

By the present petition the petitioner has challenged the action of the respondents in declaring him ineligible for consideration for the post of lecturer by way of promotion.

The undisputed facts are that the petitioner was appointed in the Department of Bio-Chemistry, Panjab University and ultimately by order (Annexure P-5) he was transferred to the University Institute of Chemical Engineering and Technology (UICET). The said order recorded the following stipulation :-

*“Sh.Sanjeev Verma, Junior Technician G-IV, Department of Biochemistry and Sh.Dinesh Kumar Maurya, Junior Technician G-IV, U.I.C.E.T. will drawn their salary from their respective Departments and their seniority will remain in their parent Department, as before”.*

Admittedly the rules of promotion is as follows :-

*“2.2 The Chairman of the department shall notify to the eligible members of staff from the group next below working in the same department, the vacancies available indicating the qualifications, experience and job requirements for the posts/to be filled in.*

*2.5 If in view of the specialized job requirements on for lack of prescribed qualifications and experience, no one from the internal candidates from the Department itself is found suitable, the Committee shall record the facts and the post alongwith qualifications, experience and job requirements will be notified to all the departments at the P.U. Campus by the Chairman of the department inviting applications for the posts and will be processed as already laid down above, except that the applicants may be interviewed/given practical test if considered necessary by the Screening Committee.*

*2.6 If no candidates is found suitable even by following the process as in 2.5 above, the committee shall record the facts and declare the post to be filled by open selection.”*

It is thus clear that the first claim for promotion from Group -IV to Group-III is for those employees who belong to the concerned department and only if none of them is found suitable can an employee who belong to some other department take a claim for consideration. In case the petitioner was not satisfied with that stipulation in the transfer order whereby his salary was declared to be withdrawn from the parent department it was open to him to go back to his parent department in case he so desired. The petitioner has also raised a plea of discrimination in so much as two persons who were similarly transferred to the University

promoted in that department even though they had earlier been appointed in different department. This has been explained by the respondent-University by pointing out that the University Institute of Chemical Engineering and Technology was a new department which had been opened only in the year 2002 and thus those persons who were transferred to that department would for the purpose of promotion being deemed to be departmental candidate since there was no other candidate who may have belonged to that department and whose chances of promotion they had jeopardized.

In the circumstances, I find no illegality in the order refusing to consider the claim of the petitioner for promotion in the University Institute of Chemical Engineering and Technology. However it is needless to say that in case no person from that department is found suitable then the claim of the petitioner would have to be considered as per Rule 2.5.

Petition stands dismissed.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

( **AJAY TEWARI** )  
**JUDGE**

**17.01.2017**  
*pooja sharma-I*

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No