

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

**CWP-26735-2017 (O&M)
Date of decision: 24.11.2017**

Davinder Kumar & others

... Petitioners

Vs.

State of Punjab & others

... Respondents

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

Present: Mr. L.S. Sidhu, Advocate for the petitioners.

...

TEJINDER SINGH DHINDSA, J. (ORAL).

As per pleadings on record, the petitioners herein are serving as Secretaries under the Ferozepur District Milk Producers Union Limited Cooperative Societies. It is the submission of the counsel that services of the petitioners would be taken as under the Department of Cooperation, State of Punjab.

Counsel refers to the Cooperative Milk Producers Union Employees Service (Non Common Cadre) Rules, 1996 to assert that insofar as the post of Milk Procurement Assistant is concerned, the same is to be filled up in the ratio of 40:60 by resorting to the method of direct recruitment and promotion respectively.

Further contended that the post of Secretary is a feeder cadre post to be considered for promotion to the post of Milk Procurement Assistant.

Precise grievance raised in the instant petition is that there are 50 vacancies in the cadre of Milk Procurement Assistants and the

respondent/department is resorting to a exercise of filling up such 50 vacancies by way of direct recruitment. It is contended that the petitioners herein are being denied their right to be considered by way of promotion to the post of Milk Procurement Assistant against the 60% quota provided under the statutory rules.

Having heard counsel for the petitioners at length and having perused the pleadings on record, this Court is of the considered view that the essential and necessary pleadings are lacking. The quota provided for the post in question, Milk Procurement Assistant of 40:60 i.e. direct recruitment and promotees respectively, would have to be applied against the total cadre strength.

The instant petition is completely bereft of the necessary details as regards the total cadre strength of post in question as also the requisite details of how many posts of Milk Procurement Assistant are currently manned by promotees or direct recruits.

Under such circumstances and in the light of pleadings on record, prayer of the petitioners cannot be examined and gone into.

Petition is accordingly dismissed.

24.11.2017*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

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