

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

CWP-9867-2000 (O&M)

Date of decision : 30.11.2018

Tarlok Singh and another

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN**

Present: Mr. Ravi Kapur, Advocate,  
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

**JITENDRA CHAUHAN, J.**

By way of the instant writ petition filed under Articles 226/227 of the Constitution of India, the petitioners have sought issuance of a writ in the nature of Mandamus, directing the respondents to promote the petitioners to the post of Workshop Instructors with effect from the date their juniors were promoted along with all consequential benefits.

It is contended that the petitioners had been imparting training to the students of different classes as Instructors from the years 1970 to 1980 and 1971 to 1984, respectively. Despite possessing the requisite qualification for the post of Workshop Instructor, they were not promoted as such. To the contrary, one Electrician, namely, Jagtar Singh, who possessed lesser qualification and was in lower scale from that held by petitioner No.1, was promoted as Workshop Instructor in the year 1977. Similarly, many skilled workmen such as Plumbers, Carpenter-cum-mason, Fitter and

Mechanics were promoted in the year 1986. For the redressal of their grievance, the petitioners preferred Civil suit in the year 1993 which was also dismissed on 17.01.1997. Ultimately, the petitioners were promoted as Workshop Instructors in the month of August, 1997. It is contended that the petitioners have been denied the benefit claimed on the whimsical stand that there was no promotional avenue for the post of Instrument Repairer.

On the other hand, learned State counsel submits that though, the petitioners were possessing the requisite qualification for the post of Workshop Instructor, but they were working in the trade of Instrument Repairer and there was no mode of promotion from the post of Instrument Repairer to Workshop Instructor. It was in the year 1997 that the mode was approved for such promotions and accordingly, the petitioners were promoted vide order dated 21.08.1997. The private respondents were promoted as Workshop Instructor prior to the petitioners as they belong to the category of Skilled Workmen.

Heard.

It is to be noticed that the petitioners joined the respondent-Department as Instrument Repairer on 17.08.1968 and 24.08.1968, respectively. The qualification and mode provided for promotion to the post of Workshop Instructor as reflected in Annexure R-III is reproduced as under:-

- “1. Matric with trade course certificate from a recognized institution in respective trade, with one year experience or a certificate for having undergone training at a C.T.I. In lieu of one year's experience.*
- 2. Knowledge of Punjabi of Matric or its equivalent standard.”*

The mode of promotion as provided in letter dated 16.02.1965 (Annexure R-IV) reads thus:-

*“Government approve in principle to declare the post of Workshop Instructor as a line of promotion for the post of skilled workman provided the skilled workman possesses the qualifications prescribed for the post and has at least one year minimum experience.”*

It is also to be noticed that the petitioners filed Civil Suit No.40 of 1993 for seeking promotion to the post of Foreman Instructor, which was dismissed on 17.01.1997 on the ground that the post of Foreman Instructor was to be filled up from amongst the Workshop Instructors and the petitioners were not Workshop Instructors. Prior to 17.02.1997, there was no approved mode of promotion from the Instrument Repairer to Workshop Instructor. The other persons who were skilled workmen, i.e. Electrician, Fitter, Mechanic, Plumber and Mason-cum-carpenter, were promoted. Therefore, as there was no approved mode of promotion from the post of Instrument Repairer to Workshop Instructor prior to 17.02.1997, the petitioners could not be promoted being from different trade.

In this view of the matter, this Court does not find any merit in the instant petition and the same is hereby dismissed.

**30.11.2018**  
**atulsethi**

**(JITENDRA CHAUHAN)**  
**JUDGE**

Whether speaking / reasoned :      Yes      No

Whether Reportable :      Yes      No