

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

CWP No.11149 of 2013 (O&M)

Date of decision: 17.07.2018

Harbhajan Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Raj Kaushik, Advocate for the petitioner(s).

Ms. Deepali Puri, Addl. A.G., Punjab.

Jitendra Chauhan, J. (Oral)

By way of the present petition, the petitioner seeks issuance of a writ in the nature of mandamus directing the respondent No.1 to consider the case of the petitioner for promotion to the post of Deputy Director Animal Husbandry (Statistics) as per the advice of Personnel Department, vide Annexure P-18 and as per the provisions in the Rules of Punjab Animal Husbandry (Class-I Service) Rules, 1996.

The precise grievance of the petitioner is that his case for promotion to the post of Deputy Director Animal Husbandry (Statistics) has not been considered as per the Punjab Animal Husbandry (Class-I Service) Rules, 1996 rather has been considered under the Clause which is not applicable in the case of the petitioner.

The petitioner possesses the requisite qualification and experience for

promotion, however, the respondents have not considered the same.

On the other hand, the learned State counsel submits that the claim of the petitioner has rightly been rejected by the competent authority as the petitioner is presently working as Statistical Assistant and the next promotion is that of Technical Assistant then to the post of Statistical Officer and thereafter to the post of Deputy Director (Statistics), therefore, his claim to directly promote him by ignoring the proper channel of promotion is not tenable.

Heard, learned counsel for the parties and perused the record.

The sole grievance of the petitioner is that he being eligible has not been promoted to the post of Deputy Director (Statistics) as per the provisions in the Rules of Punjab Animal Husbandry (Class-I Service) Rules, 1996. As per record, the petitioner is presently working as Statistical Assistant and as per own admission, respondent Nos.3, 5 and 6 who are seniors to the petitioners, are working on the post of Technical Assistant. As per hierarchy, the promotion from the post of Technical Assistant is to the post of Statistical Officer and thereafter to the post of Deputy Director (Statistics), whereas, the petitioner is working on the post of Statistical Assistant. As per the Punjab Animal Husbandry (Class-I) Service Rules, 1996, the post of Deputy Director, Animal Husbandry (S) can be filled up by promotion only after experience of 5 years. The petitioner

does not possess experience for the post claimed by him, therefore, in view of above position, he could not be promoted by defying the hierarchical channel.

As a sequel to the above discussion, the petition fails and and the same is hereby dismissed.

17.07.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No