

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(1.)

CWP-22603-2011 (O&M)
Date of Decision:-05.12.2018.

Balbir Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(2.)

CWP-23379-2011 (O&M)

Yashpal Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Ish Puneet Singh, Advocate for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

Mr. Sanjeev Sharma, Advocate for respondent No.2.

Mr. Tribhuvan Dahiya, Advocate for respondent Nos.4 and 5.

ARUN MONGA, J. (Oral)

By this common order, the above mentioned two CWPs shall be
disposed of as the point in issue involved in both these petitions is identical.

2.) The petitioners have filed these petitions seeking issuance of a

writ in the nature of *certiorari* quashing the order dated 17.11.2011 Annexure P-6 stating that vide advertisement No.9 of 2011, the respondent-University had advertised for the post of Budder (promotion quota) from amongst the regular employees working on the post of Beldar/Mali/Farm Worker/Head Mali. The petitioners were initially recruited by respondent No.2 to the Punjab Land Development & Reclamation Corporation (since wound up) and later their services were assigned to respondent No.4 i.e. State Farms Corporation of India Limited and still later they were transferred/absolved by respondent No.2-Punjab Agricultural University on the stipulation that the terms and conditions of appointment/pay structure and service conditions of the employees will remain the same. Further it was stipulated that transferred employees including the petitioners will be treated as ex-cadre employees of the University and the supernumerary posts for them are to be created for them up to the date of retirement. It was contemplated that these posts shall cease to exist with the retirement of the transferred incumbents.

3.) Learned counsel for the petitioners contends that the petitioners have been working for a period of 32 years as Malis with unblemished service record and strongly relies on the judgment rendered by the Supreme Court titled as **Dr. Ms. O.Z. Hussain Vs. Union of India and others** reported in **1990 AIR (SC) 311** and states that per ratio therein atleast one promotion is a normal incidence of service. He, therefore, seeks a mandamus of this Court in view of the fact that the petitioners are slated to retire in 2022 and 2023, respectively and for the whole of their service career they cannot be deprived of their entitlement to at least one promotion.

present petitions have become stale and infructuous as pursuant to the advertisement (supra), the promotion has already been made and there was neither any stay granted by this Court on the said promotion nor was there any order to keep any vacancy for the petitioners herein.

5.) In that view of the matter, present petitions are disposed of with a direction to the respondent No.2-Punjab Agricultural University that in future if there is any vacancy for the post of Budder, case of the petitioners would be considered sympathetically keeping in view the judgment of the Supreme Court and also the contentions of the learned counsel for the petitioner as noted above.

6.) Disposed of in the above terms.

(ARUN MONGA)
JUDGE

December 05, 2018.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.