

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

CWP No.13407 of 2018

Date of Decision:-09.07.2018

Jitender Kumar & Anr.

.....Petitioners.

Versus

Union of India & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Dr. Rau P.S. Girwar, Advocate for the Petitioners.

JASWANT SINGH, J.(ORAL)

Petitioner was recruited as Assistant Lecturer on 13.7.2010 for appointment at Institute of Hotel Management, Bathinda. The petitioner joined on 17.07.2010.

Petitioner by filing the present writ petition is seeking a direction to the competent authority for conducting the DPC for promoting the petitioner as Lecturer with retrospective effect i.e. w.e.f. 2015 when he fulfilled the eligibility condition of 05 years as experience apart from possessing the prescribed technical qualification. It is claimed that the cadre strength of the post of Lecturer is 4 and as per the laid down quota between promotion and direct recruitment is 2:1. It is claimed that since the time of recruitment of the petitioner, to date no body has been appointed or promoted as Lecturer thus the petitioner prays for a direction to the respondents to conduct a DPC and promote the petitioner as Lecturer.

After hearing counsel for the petitioner no case for interference is made out.

It is well accepted that it is for the employer to chose the source of recruitment i.e. Direct recruitment or promotion, however, within the prescribed quota. It is not the case of the petitioner that any post belonging to the promotional quota has been usurped by filing up by way of direct recruitment or that any person junior and less meritorious has been promoted to the promotional post of Lecturer. It is also well accepted that it is for the employer to make a decision as to when or not to fill up a post.

In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

July 09, 2018
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>