

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

**Civil Writ Petition No. 16177 of 2018 (O&M)
Date of Decision: 06.07.2018**

Sh. Ravinder Singh Walia

..... Petitioner

Versus

Punjabi University through its Registrar,
Patiala and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Puran Chand Arora, Advocate
for the petitioner.

JASWANT SINGH, J.

1. Through the instant petition under Article 226 & 227 of the Constitution of India, the petitioner is seeking writ of mandamus directing respondent No. 1 (Punjabi University, Patiala) to consider petitioner for promotion to the post of Senior Technical Assistant and direct to respondent No. 2 (The Head of Department, Statistics Department, Punjabi University, Patiala) to send his recommendation regarding the promotion of the petitioner.

2. The petitioner was appointed as Technical Grade II / Junior Technical Assistant on 26.09.1987 in Biotechnology Department of the Punjabi University, Patiala on *ad hoc* basis and his services were regularized on 15.02.1993. The petitioner was promoted to the post of Technical Assistant in the Computer Centre vide order dated 08.11.2011 (**Annexure P-3**) by upgrading the post. The petitioner since November 2011 is working on the post of Technical Assistant. The petitioner was

posted in the Department of Statistics in 2013 and deputed to Department of Commerce in 2015, but his lien was retained in the Department of Statistics and he is drawing his salary from said Department.

3. As per letter dated 12.04.2016 (**Annexure P-5**) addressed to all the Head of Departments, an employee who got promotion from one stage to second stage after more than eight (08) years shall be entitled to get relaxation of two (02) years in lieu of extra time taken to get promotion to next stage. As per said letter, condition of eight (08) years for promotion from one group to another group of technical employees would be applicable to Punjabi University, Patiala as applicable in Panjab University, Chandigarh.

4. Counsel for the petitioner contended that petitioner has worked for more than seventeen (17) years on the post of Junior Technical Assistant prior to his promotion to the post of Technical Assistant, so he is entitled to relaxation of two (02) years for promotion to Group II i.e. Senior Technical Assistant. He further relied upon letter dated 14.03.2018 (**Annexure P-1**) written by Deputy Registrar (Establishment) to the Head of Department, Statistics Department, Punjabi University, Patiala, whereby recommendation has been called for.

5. After having scrutinized record of the case and hearing arguments of counsel of the petitioner, this Court is not inclined to direct respondent No. 1 to promote petitioner after relaxing condition of minimum eight (08) years' service because the petitioner was promoted to the post of Technical Assistant by upgrading the post. This Court cannot direct respondent No. 1 to relax condition of minimum eight (08) years for promotion, however, considering the fact that Deputy Registrar

(Establishment) has called recommendation of respondent No. 2 for the promotion of petitioner to the post of Senior Technical Assistant, **respondent No. 2 is directed** to look into the matter and send its report within four weeks from the date of receipt of certified copy of this order.

Accordingly present petition is **disposed of in above terms.**

July 06, 2018

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**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>