

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

CWP No.17738 of 2018

Date of Decision:-03.08.2018

Satveer Singh & Ors.

.....Petitioners.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Amrik Singh, Advocate for Petitioners.

JASWANT SINGH, J.(ORAL)

Ten Petitioners are serving as Art and Craft Teachers (for short “C&V teachers”) in the Department of Primary Education and are governed by the Punjab Educational (Teaching Cadre) Group-C Service Rules 2018 (for short 2018 Rules). The next promotional post from their rank is that of Masters/Mistress is also governed by the same Rules. The promotional quota for C & V teachers to the extent of 1% has been provided under 2018 Rules, however, prior to the promulgation of these Rules, the Arts and Craft teacher had a promotional quota of 10% as per the previous statutory 1978 Rules.

The primary grievance of the petitioners is that the private respondents who constituted Ministerial Staff in the Education Department were promoted till 2013 as Masters/Mistresses against 1% quota assigned to

& V teachers by issuance and relying upon executive instructions. The challenge has also been made *albeit* after a delay of 05 years to such promotion. The contention is that if the aforesaid 1% quota was not illegally usurped, then the petitioners would have fallen within the zone of consideration for promotion within their provided 10% quota.

Mrs. Anu Chatrath Kapoor, Additional Advocate General, Punjab on directions passed by this Court states that vide decision/instructions dated 06.03.2014, the previous instructions providing 1% promotional sub quota for ministerial staff was withdrawn and thereafter no promotion from amongst the ministerial staff has been made. She further points out that the respondents have since been confirmed in the higher ranks of Masters etc., and the present petition is highly belated.

Learned counsel for the petitioners submits that even in the year 2016 the process for promotion was undertaken, however, this Court vide order dated 25.08.2017 passed in COCP No.2374 of 2017(P-5) had stayed the making of further promotions from the cadre of C & V teachers and now after the disposal of the said contempt vide order dated 6.7.2018, their cases have to be considered based on the quota of 10% as per 1978 Rules prior to the promulgation of the 2018 Rules which have reduced the quota to 1%.

After scrutinizing the argument, this Court is not persuaded to accept the plea of the petitioners. It is apparent that this Court in contempt jurisdiction was constrained to stay the promotions in the light of the finalization of the inter se seniority dispute between the teachers of C & V cadres, which necessarily includes the present petitioners as well.

Upon conclusion of that dispute only, members of C & V cadre

could lay claim for their promotion. It so transpires by that time that the contempt was disposed of, the Rules stood amended and the quota reduced. It is not that the petitioners have now become ineligible for promotion. It is only that their chances of promotion have been reduced. It is well settled law that mere reduction of the chances of promotion do not constitute any change in the conditions of the service of employee so as to provide a enforceable right. That apart, whether the petitioners would have fallen within zone of consideration or not is purely speculative, as no credible basis has been furnished except a bald assertion in the petition. The challenge to promotion of the private respondents is concededly hit by the vice of delay and latches .

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

(JASWANT SINGH)
JUDGE

August 03, 2018
Vinay

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