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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 4531 of 2018 (O&M)

Date of decision: 19.11.2018

Arun Kumar .. Petitioner

vs

Union Territory, Chandigarh and others .. Respondents

Coram: Hon'ble Mr. Justice Rajeev Sharma
Hon'ble Mr. Justice Harinder Singh Sidhu

Present Mr. K. S. Dadwal, Advocate, for the petitioner.

Mr. Sanjeev Sharma, Senior Advocate with
Mr. Shekhar Verma and Ms. Aarushi Jain, Advocates,
for the respondents.

Rajeev Sharma, J.

The petitioner has sought judicial review of the order dated 16.2.2018 rendered in OA No. 060/1540/2017.

The facts necessary for the disposal of the present writ petition are that the petitioner was appointed as clerk by way of direct recruitment on 21.6.2006. He was re-designated as Junior Assistant on 22.5.2014. The petitioner was in feeder cadre for promotion to the post of Senior Assistant along with Clerks/ Steno-Typists with five years regular service in the cadre. As per Recruitment and Promotion Rules, Departmental Promotion Committee met. The case of the petitioner along with one Smt. Sunita Devi was recommended for promotion to the post of Senior Assistant. Later on it transpired that there was only one post available and the post of Manager, which was held by Shri Ram Achal Yadav, was ex-cadre post. He was

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drawing the salary against the post of Senior Assistant. Acting upon the recommendations of the Departmental Promotion Committee, the department promoted Smt. Sunita Devi, who has been working on the post of Steno-Typist for about 18 years. The petitioner has put only 11 years. The post of Senior Assistant was filled up on the basis of selection-cum-seniority. It postulates merit.

The learned Tribunal has correctly considered the case of the petitioner. There is no merit in the petition and the same is hereby dismissed. However, it is made clear that as and when any post is available, the case of the petitioner shall be considered for promotion .

(Rajeev Sharma)
Judge

19.11.2018 (Harinder Singh Sidhu)
vs Judge

Whether speaking/ reasoned Yes/No

Whether Reportable Yes/No