

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

CWP 7535/2018

Date of decision:22.10.2018

Smt.Neena Devi and others

.....Petitioners

v.

State of Punjab and another

.....Respondents

Coram: Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Raj Kaushik,Advocate for the petitioners.

Jaswant Singh,J,(Oral).

13 petitioners were promoted as Junior Assistants from the rank of Clerks with effect from retrospective date i.e. 1.1.1998 vide order dated 22.4.2015 (P-1) passed by Director State Transport,Punjab. The promotional post of Junior Assistants and Senior Assistants are governed by Punjab Roadways (Ministerial)State Service Class-III Rules as amended from time to time. The petitioners were further promoted as Senior Assistants vide order dated 31.8.2015(P-4).

By filing the present writ petition the petitioners are claiming promotion as Senior Assistants on completion of one year's of service as Junior Assistants w.e.f. 1999 pursuant to order P-1.

After hearing counsel for the petitioners, no case for interference is made out. In fact, the entire argument is misplaced. Rule 8 of the State Service Class III Rules provides the method of recruitment and possession of prescribed qualifications, the extract of which has been placed on record in Para 4 of the writ petition at pages 4 and 5 of the paperbook.

A perusal of the same reveals that for the post of Senior Assistant, 75% quota is provided for promotion and 25% for direct recruitment. For the promotion quota, the feeder cadre post is Junior Assistant with the working experience of minimum period of one year or the post of Junior Scale Stenographer with minimum working period of five years. Mere possession of minimum prescribed period of service in the feeder cadre does not automatically provide a right of promotion to the Junior Assistants or Junior Scale Stenographers. It is not the case of the petitioners that any person junior to them has been promoted. Hence, merely possessing the eligibility condition does not vest petitioners with a right to consideration for promotion with effect from the date of acquiring of eligibility.

Dismissed with costs which are quantified as Rs.13,000/- with each of the petitioner paying Rs.1000/-. The costs shall be deposited within one month from today with the Registrar of this Court for appropriation towards the Juvenile Justice Welfare Fund.

A copy of this order be supplied to OSD(JJMC)High Court for necessary action.

22.10.2018
joshi

(Jaswant Singh)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No