

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.2302 of 2016(O&M)
Date of Decision: September 14, 2018

Randhir Singh and othersAppellants

versus

The State of Punjab and anotherRespondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.**

Present: Mr.Arvind Kashyap, Advocate, for the appellants.
Mr.Rajesh Bhardwaj, Senior DAG, Punjab.

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Surya Kant, J. (Oral)

The appellants are diploma holders in Civil/Mechanical Engineering. They joined the Sanitation Department, Government of Punjab as Pump Operators/Fitters. Their service conditions are governed by the Rules known as 'Punjab Department of Water Supply and Sanitation Junior Engineers (Group-C) Service Rules, 2006'. Rule 5 read with Appendix-B thereto, according to the appellants, provides that 15% posts of Junior Engineers are to be filled up from amongst diploma holders. It is further averred that out of 755 posts of Junior Engineers, 115 posts have fallen to the quota of diploma holders. As the appellants were not promoted within their quota, they approached this Court and their claim was directed to be considered. Pursuant to those directions, the appellants have been promoted as Junior Engineers.

In the second round of litigation, the appellants claimed that they are entitled to retrospective promotion from May, 2012, April, 2013 and 06.06.2014 in view of availability of vacancies within their quota. Such a claim has been turned down by the learned Single Judge vide order under

We have heard learned counsel for the parties and gone through the records.

It is well settled that retrospective promotion from the date of occurrence of vacancy cannot be claimed unless the Rules so provide expressly or by implication. Similarly, where Rules provide 'quota' only the principle of 'rota', i.e., rotation cannot be read into such rule.

Nevertheless, it is in the administrative interest of the department to evolve a policy to provide promotion to all categories of the eligible employees in such a manner that they get proportionate representation. The appellants may in this regard approach the Competent Authority and let their claim for ante-dated promotion but on notional basis only, be considered, if so resolved by the Competent Authority as a matter of policy.

Disposed of.

[SURYA KANT]
JUDGE

September 14, 2018

mohinder

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No