

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

CWP-4164-2019 (O & M)

Date of decision: 15.02.2019

Manjit Singh and ors.

.... Petitioners

V/s

State of Punjab and ors.

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Prateek Pandit, Advocate, for the petitioners.

Rajan Gupta, J. (Oral)

Petitioner has prayed for a writ in the nature of mandamus to direct the respondent-authorities to consider the petitioner for promotion to the post of Personal Assistant to Deputy Commissioner, Ferozepur being eligible for the said post. It has been urged before the court that the petitioner is the senior most Stenographer working in the office of Deputy Commissioner, Ferozepur. In view of the eligibility, he deserves to be considered for promotion. He has also served legal notice, Annexure P-13, on the respondents.

This court is, however, of the considered view that merely availability of a vacancy does not entitle an employee to seek promotion to the said post unless a considered decision has been taken by the administrative authority to fill up the said post. The reference to recommendations, Annexure P-11 is misconceived for the purpose of seeking a mandamus. Needless to observe that it is purely within the domain of the administrative authority to consider the recommendations, if any. Reliance upon a judgment in a case titled as 'Major General H.M.

Singh, VSM versus Union of India and another, 2014 AIR (SCW) 758, is misplaced as the facts are clearly distinguishable.

Dismissed.

February 15, 2019
sukhpreet

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No