

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

**CWP-12644-2019 (O&M)
Date of Decision:14.05.2019**

Sanjay Kumar

... Petitioner

Versus

Punjab Mandi Board & others

... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. P.S. Khurana, Advocate for the petitioner.

....

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner who is serving on the post of Junior Assistant/Clerk under the Punjab Mandi Board seeks a mandamus for directing the respondent/Board to consider his claim for promotion to the post of Auction Recorder against two existing vacancies.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that no intervention in the matter at this stage is warranted.

It is by now well settled that the petitioner in law would have a fair right for consideration for promotion. There is no vested right to be promoted as such. It would be the prerogative of the employer to fill up any existing vacancies and by adopting any of the permissible modes of appointment as per relevant statutory rules.

As and when the respondent/ Board/Marketing Committee as the case may be chooses to fill up the vacant post of Auction Recorder and that too, by resorting to a mode of promotion, all eligible candidates would have a right to be considered. In case the petitioner fulfills the benchmark as

also the eligibility conditions for purposes of promotion, he would also be considered for promotion.

As of date, no order detrimental to the interest of the petitioner has been passed.

No interference is called for.

Disposed of.

14.05.2019

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |