

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

CWP No. 6705 of 2017

Date of decision : 25.04.2019

Gurmeet Singh

....Petitioner

V/s

State of Punjab & ors.

....Respondents

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.K. Arora, Advocate for the petitioner.

Mr. Nikhil Chopra, Addl. A.G. Punjab.

RAJAN GUPTA J.

Petitioner has preferred this writ in the nature of certiorari seeking quashing of order dated 08.07.2015, Annexure P-7 passed by respondent no. 2 declining his prayer for promotion to the post of Horticulture Sub-Inspector in the department of Horticulture. It has been urged before the court that the order is violative of various Instructions issued from time to time. Petitioner has been working as peon since the year 2002. His plea has, thus, been wrongly declined. Prayer has been opposed by State counsel. According to him, there is no merit in the plea of the petitioner.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

It appears that petitioner was initially appointed to the post of Beldar. Vide order no. 101 dated 11.04.2002, petitioner was designated as Peon. He was confirmed on this post vide order no. 1335 dated 18.11.2013.

Petitioner accepted this post and referred to himself as 'Peon' in all

correspondence thereafter. From the affidavit filed by the State, it is clear that petitioner is educated, being a matriculate and himself marked his attendance in the register as Peon. He, thereafter applied for the post of Clerk. His application was received vide diary no. 518 dated 25.08.2008. He was also granted the benefit of Assured Career Progression Scheme after fourteen years of service in the said cadre. It, thus, appears that reliance placed by petitioner on seniority list of Beldar as issued in the year 1998 is mis-conceived. Even a fresh seniority list of peons was issued and copy was sent to the petitioner vide endorsement no. 349 dated 31.05.2013. Petitioner had no grievance against the said seniority list and thus, never challenged the same. He has continued on the post of Peon since the year 2003 i.e. the date of confirmation. Besides in terms of Rule 7 of the Punjab Subordinate Agriculture Service Rules, 1933 applicable to the department of Horticulture, petitioner is not eligible for promotion to the post of Horticulture Sub Inspector. It is evident that petitioner lost his lien on the post of Beldar after being designated as Peon and having been confirmed on the said post. There is, thus, no merit in the plea of the petitioner. Petition is hereby dismissed.

April 25, 2019

Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No