

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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**CM No. 1661-LPA of 2020 in/and
LPA No. 615 of 2020
Date of Decision: 18th September, 2020**

Daljit Singh Bhullar

....Appellant

VERSUS

State of Punjab and another

....Respondents

**CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN**

Present: Ms. Meenu, Advocate for the Appellant.

Dr. S. Muralidhar, J.

CM No. 1661-LPA of 2020 (Delay)

1. For the reasons stated therein, the delay of 2 days in filing the appeal is condoned.

2. The application is allowed.

LPA No. 615 of 2020

3. This appeal is directed against a judgment dated 27th January, 2020 passed by the learned Single Judge dismissing the Appellant's writ petition (CWP-18486-2016), whereby he had sought a writ of mandamus to the Respondents to consider and promote him to the post of General Manager by counting the officiating service rendered by him as Traffic Manager.

4. In the impugned judgment dated 27th January, 2020, the learned Single Judge noted the contention of the Counsel for the Respondents that despite vacancies being available in the post of General Manager, no person was promoted to the post and the post was still lying vacant. The further submission that no person junior to the Petitioner has been promoted prior to

the date of his retirement i.e. 30th April, 2016, and, in fact, even since then none had been promoted as the posts are still lying vacant, was also noted.

5. On the question whether the Petitioner possesses the relevant experience and whether his officiating service as Traffic Manager should be taken into account, considering that no one was promoted at the time of the Petitioner's retirement, the Court is of the view that the question of addressing this issue does not arise at this stage.

6. As rightly noted by the learned Single Judge, the mere availability of a post for consideration for promotion did not confer a right of promotion on the Petitioner. The Respondents having not taken a decision to fill up the posts, which were lying vacant, the Petitioner could not have insisted upon the issuance of a mandamus to the Respondents to consider him for such promotion.

7. The Court finds no error having been committed by the learned Single Judge in the impugned judgment dated 27th February, 2020. As such, it does not call for interference.

8. This appeal is accordingly dismissed.

**(S. MURALIDHAR)
JUDGE**

**(AVNEESH JHINGAN)
JUDGE**

**18th September, 2020
jk**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No