

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

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CWP No.19359 of 2021 (O&M)
DATE OF DECISION : 24th SEPTEMBER, 2021

Rohit Garg

.... Petitioner

Versus

Chandigarh Administration and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Aditya Grover, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

This is a petition filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari quashing the action of respondent-M.C. of carrying out the recruitment process for filling two posts of SDE (Horticulture Group-A) in General Category under the direct recruitment notice dated 26.03.2021 (Annexure P-9), issued for filling of various posts in different departments of Municipal Corporation, which shall impinge the seniority of the petitioner, as the petitioner being unnecessarily deprived by the respondent-corporation from his legal rights of promotion to the post of SDE (Horticulture Group-A) in general category being the senior most Junior Engineer, i.e. feeder cadre to the post of SDE (Horticulture Group-A) and duly eligible for the post of said post, while keeping the case of the petitioner for promotion unnecessarily pending, with a further prayer to issue a writ in the nature of mandamus directing the respondent-corporation not to carry out any process

of promotion and new recruitment until the promotion of the petitioner is made to the post of Sub Divisional Engineer (SDE), as the petitioner is the senior most Junior Engineer in the cadre and fully eligible as per the Municipal Corporation, Chandigarh Service Regulations in 2012 as amended upto date and even a vacancy to the post of Sub Divisional Engineer (Horticulture) is available by way of promotion.

A bare perusal of the writ petition shows that the respondents are making direct recruitment to the post of SDE (Horticulture Group-A) and the necessary advertisement has already been issued for that purpose. Even, the written examination has been held for the competing candidates. At this stage, the petitioner has raised the grievance that if the direct recruitment is permitted to continue, then the petitioner; who is in line of promotion to the post of SDE (Horticulture Group-A); would be rendered as junior to the direct recruits to be appointed through the above said recruitment process.

Having considered the submissions made by the counsel for the petitioner and having perused the case file, this Court does not find any substance in the argument of the counsel for the petitioner. The petitioner; as a member of the feeder cadre for the post of SDE (Horticulture); does not have any right to be promoted, as such. He has only a right to be considered for promotion, in accordance with rules, as and when the necessary process of promotion is carried out by the respondent-corporation. In any case, the petitioner does not have a right to stake a claim for stopping the direct recruitment on the basis of his remote right of consideration against the post; if and when the promotions are made. Undisputedly, the direct recruitment to the post of SDE (Horticulture) is being made only against the post of quota meant for the direct recruits. Hence, the process of direct

recruitment cannot be put on hold; just for the sake of making attempt to save the seniority of the petitioner; in case he succeeds in getting promotion to the post of SDE at some later stage. Learned counsel for the petitioner has not been able even to point out any provision in the rule to the effect that the respondents are bound to make promotions; immediately at present.

In view of the above, finding no merit in the present petition, the same is dismissed.

24th SEPTEMBER, 2021
‘sandeep’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>