

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

346

CWP-18406-1994

Date of decision: 06.01.2023

RAGHU NATH

..Petitioner

Versus

STATE OF PUNJAB & ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Puneet Kansal, Advocate
for the petitioner.

Mr. R.K. Kapoor, Add. A.G. Punjab.

ANIL KSHETARPAL, J(Oral)

The petitioner prays for the issuance of a suitable writ to direct the respondents to consider the claim of the petitioner for promotion to the post of Clerk w.e.f the date when the vacancy in the quota was available or in the alternative w.e.f. the date when his juniors were promoted and for the grant of other reliefs.

The relevant facts, in brief, are required to be noticed.

The petitioner joined as a Peon in the Irrigation Department on 25.07.1966. He passed his matriculation examination in the year 1988. The petitioner claims that as per the applicable rules, he was entitled to be considered for promotion under the quota meant for promoting the Class-IV employees to Class-III post. He claims that his juniors have been promoted to the Class-III, however, his case was never considered by the Department. The respondents have contested the case on the ground that the petitioner after qualifying the matriculation examination became eligible to be considered for promotion to Class-III post. He was, thereafter, required to gain a minimum experience of five years to become eligible for

consideration to the Class-III post. It has been submitted that a Class-IV employee becomes eligible for consideration after a period of five years from the date he acquires the minimum educational qualifications.

The learned counsel representing the petitioner submits that even if the argument of the learned counsel representing the respondent is correct, still the name of the petitioner was required to be considered from the year 1993. It is submitted that in 1997, various persons junior to the petitioner were promoted but the petitioner's case was never considered by the Department.

The learned counsel representing the respondents has failed to draw the attention of the Court to any justifiable reason for not considering the case of the petitioner on 15.05.1997 when the Class-IV employee, who were junior to the petitioner were promoted. The petitioner has already attained the age of superannuation in January, 2009.

Keeping in view the aforesaid facts, the writ petition is disposed of while directing the Chief Engineer, Irrigation Works, Irrigation Department to consider the petitioner's name for promotion to Class-III post w.e.f. 15.05.1997, the day his juniors were promoted with a period of 2 months, from today.

If the Competent Authority finds that the petitioner was entitled to promotion, the consequential benefits shall follow.

All the pending miscellaneous applications, if any, are also disposed of.

January 06th, 2022

(ANIL KSHETARPAL)
JUDGE

Ay

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No