

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

209

2023:PHHC:084406

RSA-1805-2003

Date of decision: 05.07.2023

SURINDER KUMAR

..Appellant

Versus

STATE OF PUNJAB & ORS.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Prabhjot Singh Chahal, Advocate
for Mr. G.S. Nagra, Advocate for the appellant.

Mr. Paramjit Batta, Addl. A.G., Punjab.

ANIL KSHETARPAL, J(Oral)

The correctness of concurrent findings of fact arrived at by the Courts below are being challenged by the plaintiff in this appeal.

In substance, the plaintiff claims that he is entitled to be promoted as Senior Assistant from the date his juniors i.e. defendants No.4 to 7 were promoted. Both the Courts on appreciation of evidence have found that the appellant made a request for change of cadre from Clerk to Inspector Grade II, which was accepted. The First Appellate Court has found that once the appellant had already changed his cadre, then he cannot claim promotion in the cadre of clerks. It has been also observed that the appellant is left with no lien in the cadre of clerk. The learned counsel representing the appellant failed to put-forth any substantive argument to prove that the aforesaid finding is not correct.

On a Court question, he admits that the appellant on his own request was shifted from the cadre of Clerk to the cadre of Inspector Grade II.

In view of the aforesaid facts, no ground to interfere is made out.

Dismissed.

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

July 05th, 2023

(ANIL KSHETARPAL)
JUDGE

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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*