

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

CWP-11596 of 2013 (O&M)

Date of decision: 22.02.2023

Gurmit Singh (since deceased) through his LRs and others

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.S.Bajaj, Advocate
for the petitioners.

Mr. D.K.Singal, Addl.A.G., Punjab

ANIL KSHETARPAL, J(Oral)

The petitioners pray for the issuance of a writ in the nature of certiorari to quash the communications dated 05.04.2013 and 08.03.2010, whereby the petitioners' claim for promotion to the post of Assistant Drillers from a retrospective date has been rejected. They also pray for the issuance of a writ in the nature of mandamus to consider their names for promotion with effect from 18 07.1985. It is the case of the petitioners that on account of quashing of the promotion of helpers to the post of Assistant Drillers by the High Court in Civil Writ Petition No.15834 of 1998 decided on 30.08.2001, they are entitled to be considered. It has been brought to the notice of the Court that in the LPA No.2178 of 2001, the aforesaid judgment has been upheld.

In the written statement, the respondents have stated that previously, the promotions were being made under the Punjab Agriculture Department (State Service Class-III Non Ministerial) Rules, 1979.

Subsequently, the Punjab Agriculture Department (Field Officer) Group-C Service Rules were notified with effect from 01.11.2010 and a new seniority list has been prepared on 01.12.2010. It has been stated that the promotions will be made in accordance with the aforesaid rules.

By now, except two petitioners, all the remaining other petitioners have retired. The learned counsel representing the petitioners admits that most of them have even died.

Once the service rules, in exercise of powers under Article 309 of the Constitution of India, have been framed and notified, the promotions, if any, are required to be regulated in accordance therewith. In these circumstances, unless the petitioners prove that their juniors, who are lower in merit list have, in fact, been promoted, they cannot seek the issuance of writ.

Thus, in view of the subsequent development, as noted above, this court does not find it appropriate to exercise the writ jurisdiction.

Dismissed.

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

February 22, 2023
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(ANIL KSHETARPAL)
JUDGE

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