

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 15701 of 2016

Date of Decision: 27.04.2023

Jagdish Kaur

... Petitioner(s)

Versus

The State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. S.K.Sandhir, Advocate
for the petitioner(s).

Mr. R.S.Pandher, Senior Deputy Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. This writ petition has been filed with the following substantive prayers:-

“(a) *Issue an appropriate writ, order or direction especially a writ in the nature of certiorari for quashing the impugned Letter No. 563 EA Dated 01-04-2016 Annexure P-7 passed by Respondent No.4 i.e. Deputy Commissioner Shaheed Bhagat Singh Nagar, being non speaking, arbitrary, illegal and against the earlier precedent in the respondent department and also against the principles of natural justice whereby the promotions have been done on the basis of seniority cum merit basis.*

(b) *Further for the issuance of a writ in the nature of mandamus directing the Respondent No.4 to promote the*

Civil Writ Petition No. 15701 of 2016

petitioner as Senior Assistant in view of their seniority in parity with other employees promoted by the respondent department and to pay the petitioner all the consequential benefits with interest.”

2. In substance, the petitioner prays that he should be promoted as Senior Assistant from the date the vacancy was available in the department. The learned counsel representing the petitioner admits that during the pendency of the writ petition, the petitioner has been promoted as a Senior Assistant w.e.f. 02.12.2020. He also admits that it is not the case of the petitioner that any person junior to the petitioner has been promoted.

3. The petitioner undoubtedly has a right to be considered to a promotional post as and when the employer decides to fill the vacancy that arises. The employee cannot claim promotion as a matter of right on the day the vacancy arises as filling up of vacancies is subject to the particular requirement of the employer.

4. With the observations made above, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

April 27, 2023
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No