

2023:PHHC:063361

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

1.CWP-16348-2016 (O&M)

Kuljeet Singh

....Petitioner

Versus

State of Punjab and others

..Respondents

2.CWP-16409-2016 (O&M)

Banwari Lal

....Petitioner

Versus

State of Punjab and others

..Respondents

Date of decision: 03.05.2023

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. D.D.Bansal, Advocate for the petitioners

Mr. R.K. Kapoor, Addl. AG, Punjab

ANIL KSHETARPAL, J (Oral)

1. By this order, two connected Civil Writ Petitions i.e CWP-16348-2016 and CWP-16409-2016 shall stand disposed of.

2. In CWP-16409-2016, the petitioner has sought three different reliefs namely; regularization on the post of PR Chowkidar, grant of the benefit of proficiency step up and the Assured Career Progression Scheme and promotion to the post of Picker.

3. Learned counsel representing the petitioner submits that the petitioner-Banwari Lal has already been granted the relief of regularization w.e.f 1997 and the benefit of the proficiency step up and the Assured Career Progression Scheme.

4. Hence, in both the writ petitions, the only surviving prayer is to issue direction to the respondents to promote them on the post of Picker from the date their junior was promoted. They are alleging that Vijay Kumar, their junior has been promoted as a Picker whereas the claim of the petitioners has not been considered.

5. In the written statement filed by the respondents in CWP-16348-2016, it has been pointed out that Sh.Vijay Kumar is not a junior to the petitioners as he was appointed as a Provincial Reserved Chowkidar on a temporary basis in the year 1976 whereas his services were regularized in the year 1988. Thus, Sh. Vijay Kumar was correctly promoted as a Picker vide order dated 21.07.2000.

6. The petitioner in CWP-16348-2016 was appointed as a PR Chowkidar on temporary basis in the year 1983 whereas his services were regularized in the year 1997. Similarly, petitioner-Banwari Lal was appointed as a PR Chowkidar in the year 1983 whereas his services were regularized only w.e.f 1997. Thus, Sh.Vijay Kumar is not a junior to the petitioners.

7. Learned counsel representing the petitioners contends that a large number of vacancies of Picker are available but the respondents are refusing to promote the petitioners.

8. On the other hand, it is the stand of the State that no vacant post of Picker is available.

9. Be that as it may. As and when any junior to the petitioners is promoted, they may have cause of action. It is the prerogative of the

employer to fill up the promotional post as and when required. The employees have no right to force the employer to promote them.

10. In view of the aforesaid facts and discussion, both the writ petitions are disposed of.

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

03.05.2023
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE