

CWP No. 17672 of 2020

2023:PHHC:135249

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(242)

CWP No. 17672 of 2020

Date of Decision : 17.10.2023

Mam Chand

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Laxman Choudhary, Advocate for
Mr. Raje Ram Kaushik, Advocate for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. The present petition has been filed with a prayer that respondents be directed to consider and promote the petitioner to the post of Jeep/Car Driver from the date when persons junior to him were promoted i.e. from 12.12.2003 keeping in view the judgment of Hon'ble Supreme Court of India in *Ajit Singh Januja and others versus State of Punjab and others*, 1996(2) SCC 715.

2. Certain facts need to be mentioned herein for correct appreciation of the issue in hand.

3. The petitioner was appointed as a Helper in the Agricultural Department on which post, the petitioner joined on 04.12.1989 on daily wage basis. The services of the petitioner were regularized on the said

post on 04.03.1991. Vide letter dated 09.05.20023, the department sought applications from the employees, who were working in the Cadre of Helpers, working in the Field Office for promotion to the post of Jeep/Car Driver. The petitioner also applied for the said post but was not selected on the ground that he did not had the valid driving license. The persons junior to the petitioner were promoted. After getting the driving license renewed, the petitioner has raised a claim that he should also be promoted to the post of Driver with effect from the date, persons junior to him were promoted. As the said benefit was not granted by the respondents, the petitioner had approached this Court by filing the present petition with the same prayer.

4. Learned counsel for the respondents submits that the claim of the petitioner was considered keeping in view the decision of the department dated 09.05.2003 but as the petitioner was not having the valid driving license on the date of consideration, he could not be selected and merely that his driving license was renewed after the selection process was over, does not give the petitioner any right to claim promotion with effect from the date, persons junior to him were promoted.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. It may be noticed that the petitioner has given a Table/Chart about the validity of his driving license. A bare perusal of the chart would show that the driving license was renewed on 03.09.1997 and the

same was valid upto 09.08.2001. The said license was renewed on 02.06.2003, which validity remained upto 29.08.2006. Keeping in view the said fact, the claim of the petitioner is to be adjudicated whether, the petitioner was rightly ousted from the zone of consideration for promotion to the post of Jeep/Car driver or not.

7. As per the reply filed, the applications were sought vide letter dated 09.05.2003 for promotion to the post of Jeep/Car Driver from the post of Helpers working in the Department. On the date of submission of the application, the petitioner was not eligible for the reasons that as per information 24.12.2018 (Annexure P-9), the license of the petitioner was renewed on 02.06.2003 and on the date when the applications were sought on 09.05.2003, petitioner concededly did not had a valid driving license.

8. That being so, the petitioner cannot claim eligibility merely on the ground that after completion of the selection process, he got his license renewed. The renewal of license after the selection process will not give any right to the petitioner to claim promotion with effect from the date persons junior to him were promoted, hence, the claim as raised in the present petition is without any basis, especially when the petitioner concededly did not had the valid driving license on the date when his claim was considered keeping in view the application sought in May, 2003.

9. Even otherwise, the judgment of *Ajit Singh Januja and others's case (supra)*, is not applicable in the present case as it is not a

case where a reserved category candidate superseded the petitioner while making promotion to the post of Jeep/Car Driver.

10. Keeping in view the above, no ground is made out for any interference by this Court in the present petition.

11. Dismissed.

October 17, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No