

**In the High Court of Punjab and Haryana, at Chandigarh**

**Civil Writ Petition No. 2702 of 2015 (O&M)**

**Date of Decision: 22.02.2023**

Saudagar Singh

... Petitioner(s)

Versus

The State of Punjab and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. Gaurav Sharma, Advocate  
for the petitioner(s).

Mr. D.K.Singal, Additional Advocate General,  
Punjab, for the respondent No.1 to 5.

Mr. Saurabh Arora, Advocate  
for the respondent No.6.

**Anil Kshetarpal, J.**

1. The petitioner, by filing a writ petition in the year 2015, prays for issuance of a writ in the nature of certiorari to quash the order dated 09.12.2009 whereby the respondent No. 6 was promoted as a Horticulture Sub Inspector. In substance, the petitioner claims that he, being the senior most Beldar, is entitled to be considered for promotion as a Horticulture Sub Inspector and the respondent No.6 has been wrongly transferred from Fatehgarh Sahib.

2. The relevant facts, in brief, are required to be noticed. The petitioner is stated to have been appointed as a Beldar on 09.10.1975 on *ad hoc* basis, whereas, his services were regularized on 29.09.1977. It is claimed that in the seniority list of Beldars issued in the year 2010, the name

of the petitioner figured at serial No.1. On the other hand, the State of Punjab, while filing the reply, stated that the respondent No.6 was originally appointed as a Mali and was assigned to the new District Fatehgarh Sahib, which was recently created. Since there was no vacant post of Mali in the said district, therefore, in the year 1992 itself the respondent No.6 was absorbed as a Beldar. The post of Beldar is a district cadre post and the seniority list is maintained at the district level. Subsequently, the respondent No.6 was promoted as the Horticulture Sub Inspector in the Chandigarh district in the year 2009 and he was transferred to Mohali in the year 2011. It has been stated that the age of superannuation of the Horticulture Sub Inspector is 58 years, whereas, normally, the age of retirement of Beldar is 60 years. The petitioner was born on 07.06.1953 and continued to work till 30.06.2015. When he was nearing his retirement, he filed the writ petition.

3. This Court has considered the submissions of the learned counsel representing the petitioner. As regards the *inter se* comparison between the case of the petitioner as well as the respondent No.6, it would be noticed that the respondent No.6 was not a member of the cadre of Beldars in District Mohali, whereas, the petitioner was a member of the cadre of Beldars in District Mohali which is a district cadre. Though, the petitioner may be at serial No.1 in the cadre of Beldars, however, in the absence of the fact that his juniors were promoted, he cannot stake claim on the post. As already noticed, the respondent No.6 was promoted in the Chandigarh District in the year 2009. He was, subsequently, transferred to Mohali District. Moreover, the respondent No.6 was absorbed in the cadre of Beldars in the District Fatehgarh Sahib way back in the year 1992. The

petitioner never assailed its correctness at that point in time. Moreover, the petition suffers from unexplained delay and laches. The order promoting the respondent No.6 on 09.12.2009 is sought to be challenged by filing the writ petition in the year 2015. Though, in the year 2011, the petitioner had filed the writ petition seeking directions to the respondents to promote him on the post of Horticulture Sub Inspector, however, the same was withdrawn on 23.01.2013. Thereafter, once again, the petitioner took more than two years to file a fresh writ petition. On the date the petitioner filed the writ petition, he was more than 61 years of age. Had he been promoted as Horticulture Sub Inspector, he would have retired at the age of 58 years i.e. on 30.06.2011.

4. Keeping in view the aforesaid facts, no ground is made out to issue the writ. Hence, the present writ petition is dismissed.

5. The miscellaneous application(s) pending, if any, shall stand disposed of.

**(Anil Kshetarpal)**  
**Judge**

**February 22, 2023**

**“DK”**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No