

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-8055-2014 (O&M)
Date of Decision: 22.08.2023

Manjit Singh

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Onkar Rai, Advocate
 for the petitioner.

Mr. Vishnav Gandhi, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. By way of present petition, the petitioner prays for directing respondents to consider the case of the petitioner for promotion to Station Supervisor from the post of Inspector against the posts lying vacant in view of section 33 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full participation) Act, 1995 and instructions dt.05.07.2011 (P-11).
2. The petitioner was appointed as a conductor with the Punjab Roadways. While in service, he suffered an accident which resulted in 51.5% disability.
3. On 07.10.2009, he was promoted as Inspector. From the post of Inspector to Station Supervisor grade, experience required was 5 years. However, there was a proposal of decreasing the experience from 5 years to 2 years and the petitioner's case was also sent for consideration for promotion, but the promotion was not granted to the petitioner.

4. The petitioner has come before this Court claiming promotion under the disabled quota stating that one other person Swaran Singh (electrician) was granted promotion. He also claimed that there are 18 posts of Station Supervisor lying vacant and therefore, he should be considered for promotion against the 3% handicapped quota.
5. The respondents have filed their reply and submitted that the claim of the petitioner is not maintainable as he does not fulfill the requisite experience for the post of Station Supervisor as per the Rules. It is also stated that the petitioner would become eligible on completing 5 years experience on 05.10.2014 as he completes 5 years experience on the post of Inspector up to that date. However, as the petitioner has retired from service on 30.04.2014, he cannot be considered for promotion while he was in service.
6. Learned counsel for the petitioner submits that since another disabled person was granted promotion, he should also be considered for promotion against the post lying vacant.
7. I have considered the submissions.
8. It is admitted position that the petitioner had attained the age of superannuation on 30.04.2014. Mathematically, if the period of 5 years of experience is calculated, it is not found to be completed by the petitioner up to the date of his retirement.
9. The claim of the counsel for the petitioner that he should be considered under the disability quota for promotion can only be accepted, provided the petitioner possesses the other eligibility criteria. Since the petitioner does not possess the minimum requisite experience which cannot be condoned for the disabled quota individually, the claim of the petitioner for promotion cannot be accepted.

10. On the other hand, if the respondents would have decided to reduce the experience period from 5 years to 2 years as proposed by their letter dt.22.10.2012 (P-3) and the petitioner would not have been promoted, then of course he could have claimed his right for promotion, but since no one has been given the benefit of reduction of experience from 5 years to 2 years, the claim of the petitioner on that count also does not lie.
11. In view thereof, no relief can be granted to the petitioner who retired before completing 5 years of service experience on the post of Inspector.
12. Writ Petition is *dismissed* accordingly.
13. Pending application(s), if any, also stands disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

August 22, 2023

Mohit goyal

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| 1. Whether speaking/reasoned? | <i>Yes/No</i> |
| 2. Whether reportable? | <i>Yes/No</i> |