

In the High Court of Punjab and Haryana, at Chandigarh**Civil Writ Petition No. 22885 of 2022****Date of Decision: 24.03.2023**

Rakesh Kumar and Another

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Harmanpreet Sehgal, Advocate
for the petitioner(s).

Mr. R.S.Pandher, Senior Deputy Advocate General,
Punjab.

Anil Kshetarpal, J.

1. The petitioners, on attaining the age of superannuation, have retired from the post of Sub Divisional Engineer (hereinafter referred to as “the S.D.E.”). They pray for directions to the respondents to consider the case of the petitioners for promotion to the post of the S.D.E. from the date they qualified the graduation degree in Engineering or its equivalent qualification including AMIE. The services of the Junior Engineer and the S.D.E are governed by the Punjab Irrigation Department (Group “A”) Service Rules, 2004 (hereinafter referred to as “the 2004 Rules”). The promotion to the post of S.D.E. is governed by the 2004 Rules.

2. The learned counsel representing the petitioners admits that the promotion is based on seniority-cum-merit. On acquiring the minimum qualification, an employee becomes eligible for consideration, however, the

eligibility is a minimum benchmark. The promotion is to be governed by

the rules. Hence, no direction can be issued to consider the petitioners’ case for promotion from the date they qualified the examination.

3. With the observations made above, the present writ petition is disposed of.

(Anil Kshetarpal)
Judge

March 24, 2023
“DK”

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