

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

RSA No.3490 of 2023 (O&M)

Date of Order:28.11.2023

Naresh Kumar**.Appellant****Versus****State of Punjab and others****..Respondents****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL****Present: Mr. Gobind Rai Sharma, Advocate
for the appellant.****Mr. Gurpreet Singh, Addl. A.G., Punjab****ANIL KSHETARPAL, J**

1. In this regular second appeal, the correctness of the concurrent findings of fact arrived at by the courts below has been assailed by the plaintiff. His suit for grant of decree of mandatory injunction for directing the respondents to promote him as a Lab Attendant has been dismissed by both the courts below.

2. It has come on record that the appellant joined as a Chowkidar-cum-Attendant on 01.10.1996. His services were regularised as a Chowkidar-cum-Attendant on 04.05.1998. The plaintiff claims that he should be treated as working on the post of Lab Attendant which is altogether a different cadre. Thereafter, the plaintiff claims that he should be promoted as a Senior Lab Attendant which is a Class-III post. It has come on record that no person junior to the plaintiff has ever been promoted as a Senior Lab Attendant.

3. The learned counsel representing the appellant contends that on 03.08.2012, the recommendations were made for promotion of the

petitioner, however, the respondents have not taken any decision yet.

4. The learned counsel representing the appellant admits that the appellant on attaining the age of superannuation has already retired.

5. It is evident that the appellant was working as a Chowkidar-cum-Attendant. There is no provision in the service rules to promote a Chowkidar-cum-Attendant to the post of the Senior Lab Attendant.

6. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

7. Dismissed, accordingly.

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

November 28, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO