

CWP-10529-1998 (O&M)
CWP-10530-1998 (O&M)&
CWP-14376-1998 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103 (03 cases)

CWP-10529-1998 (O&M)
Date of Decision :24.09.2024

Narinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

Rafiq Masih

CWP-10530-1998 (O&M)
...Petitioner

Versus

State of Punjab and others

...Respondents

Narinder Pal Singh and others

CWP-14376-1998 (O&M)
...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:-

Mr. Naveen Daryal, Advocate for the petitioner No.2
in CWP-14376-1998.



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Mr. Satnam Preet Singh Chauhan, DAG, Punjab.

Mr. B.S. Patwalia, Advocate with
Mr. Gaurav Jagrota, Advocate for respondents No.4 & 5
in CWP-10529 & 10530-1998 & for respondents No.3 & 4
in CWP-14376-1998.

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Harsimran Singh Sethi, J. (Oral)

In the present petitions, grievance being raised by the petitioners is that the private respondents, who were working as Zileदार in the Department of Irrigation from where they were retrenched, were absorbed by way of transfer against the post of Naib Tehsildar in the Department of Revenue, rather than promoting the petitioners as Naib Tehsildar.

Learned counsel for the petitioners submits that the post of Naib Tehsildars against which the petitioners were seeking promotion have been given to the Zileदars/private respondents so as to bring them from another department to the department of Revenue, which is causing prejudice to the petitioners.

Upon notice of motion, respondents have filed reply wherein, it has been stated that the petitioners are working as Kanungo and are governed by the Punjab Naib Tehsildar Class-III Service Rules, 1984 (in short, '1984 Rules'). As per the reply, 50% of the vacancies of the Naib Tehsildar are to be filled by Kanungo, who have minimum experience of 05 years and the remaining are to be filled up by way of direct recruitment and all the Zileदars, who were retrenched from the Department of Irrigation



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and have been absorbed by way of transfer in the Department of Revenue as Naib Tehsildar have been accommodated against the post of direct quota and not against the promotion quota so as to cause prejudice to any petitioners.

There is no replication filed to the said written statement.

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

Once, the post of Naib Tehsildar is to be filled up according to the 1984 Rules, according to which 50% post are to be filled up by way of direct recruitment and 50% by way of promotion, the petitioners, who are already working in the Revenue Department as Kanungo can only claim the right for promotion against the 50% quota in the department.

With regard to the claim of the petitioners that private respondents, who have been brought by way of transfer in the Revenue department to be absorbed as Naib Tehsildar have taken away their right, the same is incorrect. The respondent-department is on record to say that all the Ziledars, who were declared surplus in the Department of Irrigation and have been absorbed as Naib Tehsildar in the Revenue department have been accommodated against the direct quota post. The petitioners, who are claiming promotion to the post Naib Tehsildar cannot raise any grievance with regard to the appointment/adjustment made against the direct quota post as promotees cannot claim any post in the direct quota as a matter of right to claim promotion since both quotas are meant for different categories of employees.

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Further, the petitioners have not given any details of the cadre strength to show that there are posts in the promotion quota, which are lying vacant to adjust the petitioners. In the absence of any averment brought on record to claim that the petitioners are entitled for promotion, no order can be passed in their favour with regard to their consideration for promotion to the post of Naib Tehsildar.

Further, it is a conceded position that the petitioners have already retired from service after attaining the age of superannuation hence, in the facts and circumstances of the present case, no ground for interference by this Court is made out and the present petitions are accordingly dismissed.

Civil miscellaneous application pending, if any, is also disposed of.

A photocopy of this order be placed on the file of connected cases.

September 24, 2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(HARSIMRAN SINGH SETHI)
JUDGE