

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-12084-2001 (O&M)
Date of decision: 03.04.2024

Narinder Singh & Ors.Petitioners
Versus
Punjab State Warehousing Corporation & Ors.Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the petitioners.
Mr. P.S. Thiara, Advocate for respondent No.1.
Mr. Harinder Sharma, Advocate for respondent No.17.
None for remaining respondents.

NAMIT KUMAR J. (Oral)

There was no representation on behalf of the petitioners on 04.03.2024 and the case was adjourned for today with a clear direction that no further adjournment shall be granted, however, no one appeared on behalf of the petitioner even today also.

The petitioners, who are Class-IV employees of Punjab State Warehousing Corporation Limited have filed the present writ petition seeking a writ of certiorari for quashing the appointment of respondents No.2 to 18 on the post of Accounts Clerks.

The grievance raised in the present petition is that the petitioners should be promoted to the post of Accounts Clerks and the action of the respondent – Corporation in appointing respondents No.2 to 18 on deputation is illegal.

Written statement on behalf of respondent No.1 has been filed wherein it has been stated that the appointment of respondents No.2 to 18, does not affect the promotional chances of the petitioners. In para 10 of the written statement, it has been stated as under:-

“10. That in reply to para No.10 of the writ petition, it is wrong and denied that action of the respondent-Corporation in appointing Respondents No.2 to 18 on deputation to the posts of Accounts Clerk is null and void, contrary, illegal, without jurisdiction and violation of Article 14 & 16 of the Constitution of India. It is further wrong and denied that respondents No.2 to 18 will eat up the vacancies which are meant for promotees quota. The correct position is as under:

There are 253 sanctioned posts of Accounts Clerks in the Corporation before 5.4.1995 (when the quota for promotees was increased from 10% to 20%) the mode of recruitment to the post of Accounts Clerk was as under:-

i) 10% by promotion from amongst class IV employees.

ii) 90% by direct recruitment As the total number of sanctioned posts are 253, 25 Class-IV employees were required to be promoted as Accounts Clerk against which 24 such employees were given promotion before 5.4.95. Thereafter the Board of Directors of the Corporation in its meeting held on 5.4.95 increased the promotion quota of class-IV employees from 10% to 20%. This decision was to be implemented with prospective effect. There were 50 vacant posts in the Cadre of Accounts Clerk and thus 11 class IV employees were required to be promoted (10 class IV employees @ of 20% of the vacancies + 1 back log vacancy) but 15 class IV employees have been given promotion which means that respondent-corporation have already promoted 4 class-IV employees in excess of

their fixed quota of 20%. Regarding deputationists it is submitted that clerks on deputation have been taken against the posts meant for direct recruitment because State Govt. has imposed ban on fresh recruitment, whereas respondent-corporation was in dire need of clerks in view of the increase in the business activities of the corporation. Thus, it is clear that clerks taken on deputation from other organisations have not consumed the posts of class-IV employees meant for promotion.”

Learned counsel for respondent No.1 submits that during the pendency of the present petition, respondents No.2 to 18 have been absorbed in the Corporation and most of them have retired from service on attaining the age of superannuation.

Since there is no representation on behalf of the petitioner, the present petition is dismissed for non-prosecution.

(NAMIT KUMAR)
JUDGE

03.04.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No