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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9349-2024(O&M)
Date of decision: 25.04.2024

Dharampal Singh and others

...Petitioner

VERSUS

UHBVNL and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Raj Kumar Makkad, Advocate with
Mr. Shiv Charan Bhola, Advocate, for the petitioners.

JASGURPREET SINGH PURI, J. (Oral)

1. The present writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to promote the petitioners to the post of Assistant Foreman (AFM) from the post of Lineman as per their entitlement in accordance with Memo dated 25.03.2021 whereby the cases/bio-data of the petitioners were sent for their due promotion to the post of AFM to the respondent-Department before the superannuation of the petitioners.

2. Learned counsel appearing on behalf of the petitioners submitted that the petitioners were appointed as ALM with the respondent-Department. Petitioner No.1 was appointed on 14.10.1997 and petitioners No.2 and 3 were appointed on 01.02.1989. Thereafter, they were promoted to the post of

Lineman on 09.03.1999. Thereafter, vide Annexure P-1 25.03.2021, the Administrative Officer on behalf of the Chief Engineer had sought bio-data from all the field staff who had the requisite qualifications for the purpose of promotion to the post of AFM. However just about one month thereafter all the three petitioners retired on 30.04.2021 but in the meantime, the concerned officer had already sent the bio-data to the concerned authorities. He submitted that once the bio-data was sent in time, the petitioners ought to have been considered and ought to have been promoted and now they have already retired and therefore, a direction may be issued to the respondents to consider them for promotion to the post of AFM.

3. I have heard the learned counsel for the petitioners.

4. It is a case where although the petitioners were eligible at the time of their retirement but as per Annexure P-1 dated 25.03.2021, the bio-data and other documents were requisitioned from the field staff and in pursuance thereof, the field staff had sent the bio-data to the head office but in the meantime on 30.04.2021 i.e. just about one month all the three petitioners retired on attaining the age of superannuation. The claim of the petitioners is that they should be promoted because they were eligible at the time of their retirement. However, this Court is of the view that there is no legal right vested with the petitioners to seek promotion after their retirement. It is not a case that for long time after the aforesaid Annexure P-1 was issued that the petitioners retired or it is not a case where any *mala fide* has been alleged against any officer. Mere period of one month of time cannot mean that there had been an inordinate delay on the part of the respondents. There is no legal right vested with the petitioners in this regard. This Court does not deem it fit

and proper to invoke the provisions of Article 226 of the Consitution of India
for any interference.

5. Consequently, the present petition is dismissed.

(JASGURPREET SINGH PURI)
JUDGE

25.04.2024
rakesh

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