



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106+233)

CM-19751-CWP-2023 in/and
CWP-21842-2021 (O&M)
Date of Decision : 17.12.2024

Darshan Paul

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mukand Gupta, Advocate for the petitioner.

Mr. Arun Gupta, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

CM-19751-CWP-2023

Present application has been filed for placing on record the letter dated 25.07.1996.

Application is allowed and letter dated 25.07.1996 is taken on record with all just exceptions.

CWP-21842-2021

1. In the present petition, the grievance being raised by the petitioner and that too after retirement is that he should have been granted the benefit of promotion by counting the service which he had rendered in the Department of Irrigation.

2. Learned counsel for the petitioner submits that the petitioner had worked in the Department of Irrigation from 1976 to 1996 as a regular



employee and thereafter, the petitioner was appointed by way of transfer with the Deputy Commissioner, Mansa, where he joined on 29.11.1996. The prayer of the petitioner is that he is entitled for counting of his experience while working in the Department of Irrigation, for the grant of further benefit of promotion from the post of Clerk. Learned counsel submits that once, the petitioner was appointed by way of transfer, he is entitled for counting the service rendered in Department of Irrigation experience, hence, petitioner is entitled for the grant of benefit of promotion.

3. Upon notice of motion, the respondents have filed the reply, wherein, they have stated that as per the order of transfer, no benefit of the earlier service was to be given in case of benefit of promotion and, therefore, once the petitioner has agreed to the said condition, claiming the benefit of earlier service towards experience, is not maintainable and is liable to be rejected.

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

5. The first question which needs to be answered is whether, the petitioner was working on the same post upon which he was working on being transferred to the Office of the Deputy Commissioner, Mansa. It may be noticed that in the Department of Irrigation, the petitioner was working as an Electrician whereas, by way of transfer he was appointed as a Clerk. Can an experience rendered as an Electrician be counted as an experience as Clerk or not is the question in the present petition.



6. The qualifications and skills for the post of Clerk and that of Electrician are entirely different. Once, the qualifications are different, the petitioner’s experience as an Electrician in the Department of Irrigation, cannot be treated as an experience as a Clerk, hence, the claim of the benefits of the earlier service towards the post of Clerk cannot be accepted in the facts and circumstances of the present case.

7. No ground is made out for any interference by this Court in the present petition.

8. Dismissed.

9. Pending miscellaneous application, if any, also stands disposed of.

December 17, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No