



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(217)

CWP No. 5077 of 2017 (O&M)
Date of Decision : 03.12.2024

Bhagwan Dass

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Surinder Garg, Advocate for the petitioner.

Ms. Shruti, Assistant Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the prayer of the petitioner is that he is entitled for promotion to a Class-III post while working on a Class-IV post, hence, respondents be directed to consider the claim of the petitioner for promotion to a Class-III post.
2. Upon notice of motion, the respondents have filed the reply, wherein, the respondents have stated that the petitioner is working as a Game Boy and there is no further channel of promotion to a Class-III post, hence, in the absence of any channel under the Rule for promotion, no benefit can be given.
3. Learned counsel for the petitioner has not been able to rebut the said contention.
4. I have heard learned counsel for the parties and have gone through the record with their able assistance.



5. Once, there is no channel of promotion to a Class-III post from the post of Game Boy on which the petitioner is working, the petitioner cannot claim any promotion as a matter of right. The promotions are to be effected as per the Rules governing the service.

6. In the absence of any such avenue of promotion, the remedy of the petitioner is to approach the respondents for grant of any other avenue of promotion but, direction cannot be given by this Court to promote the petitioner on any Class-III post and that too when the claim of the petitioner is not supported by the Rules governing the service, hence, the claim of the petitioner as raised in the present petition is disposed of with the direction to the respondents that appropriate consideration be given whether, the petitioner who has more than three decades of service on a Class-IV post, can be accommodated on any Class-III post available, wherein, the petitioner is suitable.

7. Let the said consideration be given to the claim of the petitioner and an appropriate order be passed within a period of four weeks from the date of receipt of copy of this order.

8. Petition is disposed of in above terms.

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

December 03, 2024
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No