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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-17955-1997
Date of Decision :05.02.2025

Darshan Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amit Jain, Senior Advocate with
Mr. Aryaman Thakur, Advocate for the petitioner.

Mr. T.P.S. Chawla, Senior DAG, Punjab.

Mr. Mohinder Singh, respondent No.4 (in person)

* * *

Harsimran Singh Sethi, J. (Oral)

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Present application has been filed for bringing on record the legal representatives of respondent No.3-Gurdev Singh, who unfortunately died during the pendency of the present petition.

Notice of the application to the respondents.

Mr. T.P.S. Chawla, Senior DAG, Punjab accepts notice on behalf of the respondent-State and raises no objection for the grant of prayer as made in the present application.

Keeping in view the averments made in the application, which



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are duly supported by an affidavit, the application is allowed. Legal representatives of respondent No.3-Gurdev Singh, details of whom have been given in para-3 of the application are ordered to be brought on record subject to all just exceptions.

Amended memo of parties is also taken on record.

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1. In the present petition, the grievance being raised by the petitioner is that the private respondents No.3 & 4 have been promoted to the post of Senior Assistant in preference to the petitioner though, they were not eligible to be promoted.

2. Learned Senior counsel for the petitioner submits that the prayer of the petitioner, who had passed the Assistant Grade Examination in June, 1987, is that he should also be promoted to the post of Senior Assistant with effect from the date he had cleared the said Assistant Grade Examination.

3. Upon notice of motion, the respondents have filed reply wherein, it has been stated that the private respondent No.4-Mohinder Singh had been promoted to the post of Assistant with effect from 24.03.1982 on which date, there was no requirement for passing the Assistant Grade Examination and promotion was effected on the basis of seniority and he was senior to the petitioner hence, question of passing the said examination was not required eligibility to be promoted.

4. With regard to respondent No.3-Gurdev Singh, the respondents have stated that keeping in view order passed by this Court in **CWP-392-**



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1989 titled as Gurjant Singh and others vs. State, decided on 16.03.1989,

the employees who had passed the Assistant Grade Examination in the 5th 6th & 7th chance and were still being treated eligible, has been stayed and the petitioner had also passed the said Assistant Grade Examination much after the chances given under the Assistant Grade Examination Rules, 1984 (in short, '1984 Rules') and hence, he cannot claim the eligibility to be promoted in preference to the respondent No.4.

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

6. As per the facts and circumstances narrated hereinbefore, the only claim of the petitioner is for promotion to the post of Senior Assistant with effect from the date he had passed the Assistant Grade Examination in the year 1987. The petitioner was claiming that the respondents No.3 & 4 though, were senior to him in the cadre of Clerk but they were not eligible to be promoted.

7. It may be noticed that qua respondent No.4. it has already come on record, that he was promoted from the year 1982 i.e. prior to the prescribing of Assistant Grade Examination, which fact has gone un rebutted hence, the contention of the learned Senior counsel for the petitioner that the respondent No.4 was not eligible to be promoted, cannot be accepted.

8. With regard to respondent No.3, it may be noticed that the petitioner was claiming eligibility over and above respondent No.3 qua passing of the Assistant Grade Examination in the year 1987, which he had passed in the chances admissible under the 1984 Rules, which instructions



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had already been stayed by this Court and hence, the petitioner claiming eligibility from 1987 has been disputed by the respondents.

9. Further, it is a matter of fact though, which has not come before this Court in the present petition that the Assistant Grade Examination was ultimately scrapped by the respondents and ultimately even the employees, who were senior but have not passed the Assistant Grade Examination, were made eligible keeping in view the posts available in the cadre.

10. Further, the petitioner was promoted to the post of Senior Assistant prior to his retirement from service hence, keeping in view the facts and circumstances of the present case, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

February 05, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No