



119

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP-4024-1998(O&M)
Date of decision : 15.12.2025**

Daljit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. Binderjit Singh, Advocate for the petitioner.

Mr. Nirmal Preet Singh Hira, DAG, Punjab.

Mr. S.S. Bhinder, Advocate and

Mr. D.S. Bhinder, Advocate for respondent No.2.

DEEPINDER SINGH NALWA, J. (Oral)

In the present writ petition, the petitioner is praying for issuance of a writ in the nature of mandamus directing the respondents No.1 and 2 to consider the case of the petitioner for promotion on the post of Clerk, w.e.f. the date when junior to the petitioner was promoted. with all consequential benefits.

2. The brief facts of the case are that the petitioner was appointed on the post of Chowkidar through advertisement on 16.10.1989. After completion of his probation period, the petitioner was confirmed on the abovesaid post in the year 1991. A perusal of the facts of the case would show that the petitioner was adjusted/appointed as a Laboratory Attendant vide order dated 16.10.1994 w.e.f. 28.10.1994. As per the petitioner, in light of the instructions dated



28.04.1995 (Annexure P-1) issued by the State of Punjab, as applicable to the respondents, whereby 10% of the Class-III posts are to be filled by way of promotion from amongst Class-IV employees who possess a minimum education qualification of Matriculation (with Punjabi) and having a minimum of 05 years of experience, petitioner being eligible is entitled to be considered for promotion on the post of Clerk. The petitioner approached the respondents for consideration of his case for promotion on the post of Clerk i.e. Class-III post in terms of instructions dated 28.04.1995 (Annexure P-1). The case of the petitioner was not considered for promotion on Class-III post i.e. Clerk, as a consequence thereof, the petitioner has filed the present writ petition.

3. Learned counsel for the petitioner submits that in light of the instructions dated 28.04.1995 (Annexure P-1), as the petitioner is working on the post of Laboratory Attendant being a Class-IV post, is entitled to be considered for promotion w.e.f. the date respondent No.3 was promoted on the post of Clerk.

4. Respondent No.2 – College, which has now become the constituted college of respondent No.2 – University, has filed the written statement which has also been adopted by the University. A perusal thereof would show that the petitioner was adjusted as Laboratory Attendant on his own request w.e.f. 28.10.1994 vide order dated 16.10.1994. As per the respondents, as per the Government instructions, there is a channel of promotion from the post of Laboratory Attendant, employees who are working on the post of Laboratory



Attendant are entitled to be considered for promotion on the post of Junior Technician and not on the post of Clerk.

5. The learned counsel appearing on behalf of respondent-University submits that there is a separate cadre of Chowkidar and Laboratory Attendant and there is already a channel of promotion from the post of Laboratory Attendant to that of Junior Technician, as such, the case of the petitioner cannot be considered for promotion on the post of Clerk.

6. I have heard learned counsel for the parties at length.

7. A perusal of the facts of the case would show that although the post of Laboratory Attendant is a Class-IV post but it is not in dispute that, as per the Government instruction, which are applicable in the case of respondent-University, Laboratory Attendants are eligible for promotion to the post of Junior Technician and not on the post of Clerk. It is well settled law that an employee can only seek promotion on the post provided in the rules, if an employee is given promotion on some other post, it will be contrary to the rules. Instruction dated 28.04.1995 (Annexure P-1) relied by the petitioner cannot be made applicable in the case of petitioner as there is already a channel of promotion from the post of Laboratory Attendant to the post of Junior Technician.

8. Taking into consideration the facts of the case and the stand taken by the respondent-University that there is a channel of promotion from the post of Laboratory Attendant to that of Junior Technician, this Court does not find any infirmity in the action of



respondent-University in not considering the case of the petitioner for promotion to the post of Clerk w.e.f. the date respondent No.3 was promoted.

9. In view of the above, the present writ petition is dismissed.

10. Pending application(s), if any, shall also stand(s) disposed of.

15.12.2025 (DEEPINDER SINGH NALWA)
d.gulati JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No