

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

Suresh Kumar .. **Petitioner**

State of Punjab and others .. Respondents

Jaswant Singh **.. Petitioner**

State of Punjab and others .. Respondents

Present: Mr. R.K. Samyal, Advocate, for the petitioner
in CWP-20832-2016.

Mr. Prashant Bansal, Advocate, for the petitioner
in CWP-7996-2017.

Ms. Akshita Chauhan, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-18101-CWP-2022 in CWP-7996-2017

As the main writ petition i.e. CWP-7996-2017 has already been listed, present application has become infructuous.

CM stands disposed of as infructuous.



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CWP-20832-2016 and CWP-7996-2017

1. By this common order, two writ petitions, the details of which have been given in the heading, are being disposed of as both the petitions involve the same question of law on similar facts.

2. In the present writ petitions, the grievance being raised by the petitioner(s)-employee is that the petitioner(s)-employee were granted promotion from a Class-IV post to a Class-III post i.e. from Fitter Coolie/Helper to that of Fitter in the year 2009 but the petitioner(s)-employee were not granted the actual promotion upto the date of their retirement and therefore, the respondents be directed to grant the petitioner(s)-employee the benefit of promotion to the post of Fitter Coolie and thereafter, consider the last drawn wages on a Class-III post so as to re-calculate their pensionary benefits.

3. Learned counsel for the respondents submits that State has no objection in granting the petitioner(s)-employee the benefit of promotion but once, the petitioner(s)-employee get the benefit of promotion to the post of Fitter Coolie/Helper, which is a Class-III post, the petitioner(s) will have to be retired at the age of 58 years whereas, as of now, the petitioner(s) have retired upon attaining the age of 60 years, which is applicable on Class-IV post i.e. Fitter.

4. Learned counsel for the respondents further submits that in case, the petitioner(s)-employee want the promotion, they will be granted promotion but will be retired at the age of 58 years and rather than getting any financial benefit, the petitioner(s)-employee will be losing financial benefits hence, the petitioner(s)-employee should decide as to whether, they want promotion to be retired at the age of 58 years or to continue on Class-

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IV post to be allowed to continue till the age of 60 years which has already been done.

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

6. The petitioner(s)-employee continued on Class-IV post which is Fitter Coolie/Helper till they retired and are already getting the pensionary benefits. In case the petitioner(s)-employee claim promotion to the post of Fitter, they will have to be retired on attaining the age of 58 years. The petitioner(s)-employee should decide whether they want promotion to the post of Fitter and be retired at the age of 58 years or they are satisfied with the benefit which they have already been granted after retirement from a Class-IV post which is Fitter Coolie/Helper.

7. It is a conceded position before this Court that in case the petitioner(s)-employee are granted promotion to the post of Fitter and are retired at the age of 58 years, rather than getting any further financial benefits, they will be losing the financial benefits already extended to them and their pension as well as other pensionary benefits will have to be reduced. That will not be in the interest of the employee, who has already retired at Class-IV post which is of Fitter Coolie/Helper.

8. The argument which has been raised by the learned counsel for the petitioner(s)-employee is that they should be granted promotion to Class-III post and should also be retired at the age of 60 years so that they do not lose financially. The said request cannot be accepted as the retirement age of a Class-III employee is 58 years and not 60.

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9. Once the petitioner(s)-employee get promotion to a Class-III post, they have to be retired at the age of 58 years and the pensionary benefits are to be calculated what they would have drawn upon attaining the age of 58 years. The petitioner(s)-employee cannot be granted promotion to Class-III post i.e. of Fitter and allowed to continue till the age of 60 years which will be contrary to the rules governing the service hence, as conceded before this Court and the petitioner(s)-employee will lose financially in case they are granted promotion to a Class-III post which is of Fitter keeping in view the benefits which they are enjoying as of now, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

10. Accordingly, the writ petition is dismissed.

11. A photocopy of this order be placed on the file of other connected case.

February 28, 2025*harsha***(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No