



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(228)

CWP No. 5997 of 2015 (O&M)

Date of Decision : 24.03.2025

Sudarshan Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dheeraj Mahajan, Advocate for the petitioner.

Ms. Akshita Chauhan, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the prayer of the petitioner is that the petitioner should be promoted to the post of Assistant Foreman Special with effect from the date the persons junior to the petitioner have been promoted with all consequential benefits.

2. As per the petitioner, one Santokh Singh was junior to the petitioner and, therefore, when Santokh Singh was granted promotion to the post of Senior Assistant Foreman Special on 01.01.1996, the said promotion should also be granted to the petitioner w.e.f. 01.01.1996.

3. Upon notice of motion, the respondents have appeared and filed the reply, wherein, they have stated that Santokh Singh was granted promotion on 01.01.1996 whereas, the services of the petitioner have been regularized against the post of Work Mistri on 13.03.1996 hence, it cannot be said that Santokh Singh is junior to the petitioner in any manner as he was



working on a promoted Cadre when the services of the petitioner were regularized in the Cadre of Work Mistri.

4. Learned counsel for the respondents further submits that with regard to the claim of the petitioner for promotion as granted to Jaswant Singh vide Annexure P-4. Jaswant Singh was not working in the same Cadre of Work Mistri but was a Welder and, therefore, there is no seniority inter se between the Welder and the petitioner, who was working as a Work Mistri and as of now, nothing has come on record that any person junior to the petitioner is working on a higher post so as to grant the claim regarding the promotion to the petitioner.

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

6. The claim of promotion with effect from the date the junior is promoted, is a valid claim but for granting the said benefit, it should come on record that the person junior to the petitioner has been promoted in preference to the petitioner and that too in an arbitrary and illegal manner.

7. In the present case, Santokh Singh was promoted as Assistant Foreman Special w.e.f. 01.01.1996 on which date, the petitioner was working on temporary basis as a Work Mistri. Petitioner's services have been regularized on 13.03.1996 i.e. after the date Santokh Singh was promoted on the promoted Cadre. Once, the services of the petitioner have been regularized on 13.03.1996 and that too as a Work Mistri, which is not under challenge, treating Santokh Singh junior to the petitioner who was working as Assistant Foreman Special from 01.01.1996 is incorrect.



8. Qua the Jaswant Singh, it has already come on record that the petitioner and Jaswant Singh were working in different Cadre. Hence, no claim is made out for the grant of benefit.

9. Learned counsel submits that petitioner is working from the last 29 years on the same post, which is arbitrary and illegal though, the posts of Assistant Foreman Special are lying vacant. Keeping in view the facts and circumstances, in case the promotional posts are lying vacant, the claim of all eligible including the petitioner be undertaken so that after rendering three decades of service, the employee should get at least one promotion.

10. Petition is disposed of in above terms.

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

March 24, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No