



CWP-6083-2015 (O&M)

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

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CWP-6083-2015 (O&M)

Date of Decision: 05.02.2025

Sanjeev Kumar and others

..... **Petitioners**

Versus

Central Administrative Tribunal and others

..... **Respondents**

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: None for the petitioners.

Mr. Ashish Rawal, Advocate with
Mr. Jaivir Singh, Advocate
for the respondents-UOI.

SANJEEV PRAKASH SHARMA, J (ORAL)

1. This is an old case of 2015. No one appears for the petitioners.
2. Challenge in this writ petition is to the order dated 26.08.2014 passed by the Central Administrative Tribunal, Chandigarh (in short referred to as 'CAT'), whereby, the OA was rejected and the review application seeking review of order dated 26.08.2014 was also dismissed vide order dated 13.10.2014, by the Central Administrative Tribunal.
3. As per the pleadings filed by the writ petitioners, it is stated that the petitioners had sought relief for promotion and arrears of pay etc. before the CAT as they were regularized in the year 2004-05 as Group-D staff and were eligible to be considered for the year 2007-08 for Technician Grade-III promotion. The post of Technician Grade-III is to be filled 25% on the basis

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of compassionate appointment, 25% from promotion under intermediate quota and 50% from promotion of lower staff. It was their contention that the appointment by promotion from lower class was much lesser than the appointment made under the compassionate appointment quota and the promotion under intermediate quota and therefore, posts are lying vacant under the promotion quota available for lower staff and the petitioners ought to have been considered.

4. It was their further contention that the respondents had failed to conduct the selection test necessary for promotion for Group-D staff for Technician Grade-III in the year 2012-13 and resultantly, the petitioners were being deprived of their right to claim for consideration of promotion. The case of the petitioners was considered by the Central Administrative Tribunal and the Tribunal after noticing their submissions, noted the reply filed by the respondents, stating that applicant could be considered for promotion 3 years after they had screened and regularized as per Grade-II TRD. The orders of regularization were issued on 21.12.2005 and hence till 21.12.2008, they were not eligible to be considered for any promotion. The selection test was conducted in 2010 but they failed to qualify the same and no person junior to them was promoted upto 2009 under the 50% quota. While noticing that there had been an excess of appointments under the compassionate ground, the CAT found that the same would not create any difference. So far as the claim of the original applicants-writ petitioners is concerned as first of all they are required to pass the test which is necessary for promotion to the post of Technician Grade-III/TRD. Since the petitioners had failed to clear the test and of course they are always free to

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appear again in subsequent test, which they might have done during the pendency of this writ petition, we do not find any reason to intervene in the writ petition.

5. In view thereto, the order passed by the Central Administrative Tribunal does not warrant any interference and accordingly, the instant petition is dismissed.

6. The pending misc. application, if any, shall stands disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

05.02.2025*D.Bansal*

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No