



CWP-19227-2025

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

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CWP-19227-2025

Date of Decision: 14.07.2025

Deepak Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. U.K. Agnihotri, Advocate and
Mr. Anuj Y. Attri, Advocate for the petitioner

Mr. Aman Dhir, Deputy Advocate General, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking setting aside of order dated 21.01.2025 (Annexure P-12) whereby respondent has rejected his claim for the post of Platoon Commander.

2. Learned counsel for the petitioner *inter alia* contends that respondent has rejected petitioner's claim for promotion from the post of Sergeant (Mechanic) to Platoon Commander on the ground that there were only four posts which are occupied. It is factually incorrect. 61 posts of Platoon Commander are lying vacant still petitioner's claim has been rejected. The petitioner was selected as Motor Mechanic (Corporal) vide merit list dated 05.11.2013. He was promoted to the rank of Sergeant (Mechanic) on 13.02.2019. The respondent has promoted four Sergeant (Mechanic) to the rank of Platoon Commander, however, the petitioner has not been considered.



He further claims that there are six promotional posts of Platoon Commander which are ear-marked for Sergeant (Mechanic). He relies upon Annexure P-13 to demonstrate that there are six seats meant for Platoon Commander from the cadre of Sergeant Mechanic.

3. Mr. Aman Dhir, Deputy Advocate General, Punjab, who on advance notice is present in Court on behalf of the respondents, submits that in reply to legal notice, the respondent has already clarified that there are only four promotional posts of Platoon Commander for the cadre of Sergeant (Mechanic).

4. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

5. The petitioner is placing reliance upon total number of posts, however, is ignoring maximum posts which can be assigned at a particular point of time to Sergeant (Mechanic) Cadre. The petitioner is raising purely disputed question of facts. In writ jurisdiction, it cannot be determined whether there are four promotional posts of Platoon Commander for the cadre of Sergeant (Mechanic) or six.

6. In the backdrop, this Court is of the considered opinion that present petition being bereft of merit deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

14.07.2025
Mohit Kumar

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