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

**CWP-6236-2018(O&M)
Date of decision : 10.12.2025**

Ms. Parveen Kumari

...Petitioner

Versus

Vice Chancellor, Guru Nanak Dev University,
Amritsar and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH
NALWA**

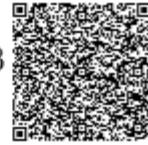
Present: Mr. Amarjit Singh, Advocate for the petitioner.

Ms. Isha Goyal, Advocate and
Ms. Shivani Saini, Advocate for the respondents.

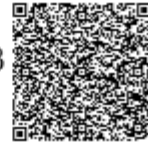
DEEPINDER SINGH NALWA, J. (Oral)

In the present writ petition, the petitioner is praying for issuance of a writ in the nature of certiorari for quashing the order dated 16.01.2018 (Annexure P-8) whereby the claim of the petitioner for consideration for promotion on the post of Restorer-cum-Attendant (Library), has been declined.

2. The brief facts of the case are that the petitioner was appointed on the post of Junior Library Attendant-cum-Peon on 09.06.2003 on contract/adhoc basis vide letter dated 06.06.2003 (Annexure P-2). The services of the petitioner was terminated by the respondents on 07.03.2008. Aggrieved against the abovesaid action of the respondents in terminating the services of the petitioner, the petitioner served a demand notice challenging her termination order



dated 07.03.2008. The matter was referred to the learned Industrial Tribunal-cum-Labour Court, Amritsar, whereby the reference was decided in favour of the petitioner vide award dated 05.12.2014 (Annexure P-3). As per the said award dated 05.12.2014 (Annexure P-3), the petitioner was held entitled to be reinstated in service with continuity of service with full back-wages along with interest @ 12% per annum from the date of termination i.e. 08.03.2008 till reinstatement. It transpires that aggrieved against the award dated 05.12.2014 (Annexure P-3) passed by the learned Industrial Tribunal-cum-Labour Court, Amritsar, the respondent-University filed a writ petition before this Court being CWP No.6630 of 2015 which was dismissed vide judgment dated 22.04.2015 (Annexure P-4). Aggrieved against the judgment passed by the learned Single Judge, the respondent-University filed LPA No.970 of 2015 before the Division Bench of this Court, which was dismissed as withdrawn vide order dated 06.07.2015 (Annexure P-4). In terms of the award dated 05.12.2014 (Annexure P-3) passed by the learned Industrial Tribunal-cum-Labour Court, Amritsar, the petitioner was reinstated in service vide order dated 21.07.2015 (Annexure P-5). As per the petitioner, she was shown at Sr. No.1 in the seniority list of Junior Attendant-cum-Peon working on adhoc/contract basis, as such, as per the petitioner the case of the petitioner was to be considered for promotion to the post of Restorer-cum-Attendant (Library). Petitioner submitted representations dated 05.10.2015, 20.11.2017 and served legal notice dated 04.12.2017 (Annexure P-7) claiming consideration of her case for promotion to the

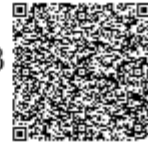


post of Restorer-cum-Attendant (Library). The claim of the petitioner was rejected vide reply/letter dated 16.01.2018 (Annexure P-8). Hence, the petitioner has filed the present writ petition challenging the reply/letter dated 16.01.2018 (Annexure P-8) and praying for consideration of her case for promotion to the post of Restorer-cum-Attendant (Library).

3. Learned counsel for the petitioner submits that as the petitioner was eligible for promotion to the post of Restorer-cum-Attendant (Library) as per the regulations framed by the respondent-University, as such, her case is liable to be considered for promotion on the post of Restorer-cum-Attendant (Library). He further submits that in the light of seniority list dated 02.09.2008 (Annexure P-6 colly), the petitioner is senior-most in the list of Junior Attendant-cum-Peon working on adhoc/contract basis, therefore, she has a right to be considered for promotion on the post of Restorer-cum-Attendant (Library).

4. Learned counsel for the respondents submits that the petitioner is not eligible to be considered for promotion for the reason that the regulations framed by the University relied upon by the petitioner are applicable only in the case of regular employee. It is also the case of the respondents that the list appended as Annexure P-6 by the petitioner is not a seniority list as claimed by the petitioner, in fact, it is a general list containing the names of Junior Library Attendant-cum-Peon working on adhoc/contract basis.

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



6. There is no dispute in regard to the fact that the petitioner is working on adhoc basis and is not a regular employee. It is well settled law that regulations/rules framed by the Authority are applicable only in the case of regular employee. No regulations or rules has been brought to the notice of this Court that even adhoc/contract employees are also entitled to be considered for promotion in respondent-University. Even otherwise, it is also not the case of the petitioner that any junior to the petitioner who was appointed on adhoc/contract basis has been promoted on the post of Restorer-cum-Attendant (Library). It is well settled law that mere occurrence of vacancy does not give any right to an employee to claim promotion.

7. Taking into consideration the fact that the regulations framed by the respondent-University in regard to promotions are not applicable in the case of the contract/adhoc employee/employees, as such, petitioner is rightly held not entitled to be considered for promotion on the post of Restorer-cum-Attendant (Library), as such, this Court finds no infirmity or illegality in the impugned order dated 16.01.2018 (Annexure P-8).

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

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

10.12.2025

d.gulati

(DEEPINDER SINGH NALWA)

JUDGE

Whether speaking / reasoned :

Yes

No

Whether Reportable :

Yes

No