



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

(1)

LPA No.3215 of 2024

Date of Decision: 22.01.2025

Rajesh Kumar

.....Appellant.

Versus

Chandigarh Administration, Union Territory, Chandigarh & another

.....Respondents.

(2)

LPA No.3217 of 2024

Rajesh Kumar

.....Appellant.

Versus

Chandigarh Administration, Union Territory, Chandigarh & another

.....Respondents.

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

Present:- Mr. Mohit Jaggi, Advocate
for the appellant in both the cases.

Mr. Ashish Rawal, Advocate
for respondent No.2 in both the cases.

SANJEEV PRAKASH SHARMA, J.(Oral)

In both these appeals, learned counsel for the appellant assails the common judgment dated 19.09.2024 passed by the learned Single Judge in ***CWP No.1682 of 2019*** and ***CWP No.18226 of 2020*** both titled as



Rajesh Kumar Versus Chandigarh Administration and another, whereby his challenge to the order dated 14.01.2019 was rejected. By the said order, the appellant was promoted to the post of Senior Assistant instead of Sub-Inspector (Enforcement) for which he had opted.

2. Learned counsel for the appellant submits that the Clerks working in the Municipal Corporation have an option for being considered for promotion to the post of Junior Assistants. From the post of Junior Assistant, option is available for considering the incumbent officials to the post of Senior Assistant or Sub-Inspector (Enforcement). The appellant had opted for being considered for promotion to the post of Sub-Inspector (Enforcement). However, in spite of his option having been taken, the respondents did not consider him for promotion to the post of Sub-Inspector (Enforcement) and in the normal course, promoted him to the post of Senior Assistant instead by the impugned order.

3. Learned counsel further submits that there are as many as 04 posts lying vacant of Sub-Inspector (Enforcement) and the appellant was, therefore, at least entitled to be considered against one post of Sub-Inspector (Enforcement).

4. We have considered his submission and noticed that the learned Single Judge took into consideration the reply filed by the respondents wherein it was stated that there were total 20 posts of Sub-Inspector (Enforcement) with the Municipal Corporation. As per the regulations framed in 2012, 75% posts were to be filled by direct recruitment and 25% posts were to be filled by promotion. When the regulations came into force, already 11 posts stood filled by way of



promotion and thus, there was already excess in quota. The remaining 04 posts, therefore, would have to be filled by direct recruitment and could not be further given to promotees. The learned Single Judge having taken into consideration the afore-said facts rejected the contentions of the petitioner to claim right of consideration for promotion against 04 posts lying with the respondents.

5. We have no hesitation to accept the view taken by the learned Single Judge. The respondents had already made excess promotions over and above the quota available for promotees. Since the new regulations were framed in 2012, all the employees, who had been working on the higher promotion posts of Sub-Inspector (Enforcement) would continue to be part of the cadre and their promotion was saved.

6. Be that as it may, the contention of learned counsel for the appellant that for remaining 04 posts, one of the posts should be further allotted for promotion, would be an act allowing illegality to perpetuate. We therefore, reject the contention of learned counsel for the appellant and uphold the judgment passed by the learned Single Judge.

7. Both these appeals are, accordingly, dismissed.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

January 22, 2025
Yag Dutt

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No