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**(2014) 05 P&H CK 0513**

**In the Punjab And Haryana At Chandigarh**

**Case No : Civil Writ Petition No. 10032 of 2014**

Des Raj

APPELLANT

Vs

Chandigarh Administration and Others

RESPONDENT

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**Date of Decision : 22-05-2014**

**Acts Referred:**

**Citation : (2014) 05 P&H CK 0513**

**Hon'ble Judges : Sabina, J**

**Bench : Single Bench**

**Advocate : Raj Kumar Chaudhary, Advocate for the Appellant**

**Final Decision : Dismissed**

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## **Judgement**

Sabina, J.—Petitioner has filed this petition challenging the reply/letter dated 28.5.2013 (Annexure P-10) whereby the claim of the petitioner for promotion to the post of Library Restorer was rejected.

2. Case of the petitioner, in brief, is that petitioner was appointed on 11.8.1977 as temporary Library Attendant and thereafter his services were confirmed. In the year 1987, petitioner moved a representation seeking promotion to the post of Library Restorer. However, at that time, petitioner was not promoted to the post of Library Restorer whereas the other employees, who were not eligible, had been promoted. In April 2003, again post of Library Restorer fell vacant. Petitioner moved a representation that his case be considered for promotion. Representation moved by the petitioner was duly recommended by the Principal and Departmental Promotion Committee. However, in December 2004, respondents published an advertisement in the newspaper with regard to filling up of vacancies of Library Restorer. Aggrieved against the said action of the respondents, petitioner approached the Civil Court. In the meantime, petitioner was informed that respondent No. 2 vide letter dated 9.8.2005 had modified the qualifications qua eligibility for promotion to the post of Library Restorer. The suit was dismissed as infructuous. Respondents again published an advertisement for

the post of Library Restorer in the newspaper on 26.8.2005. Again respondents published an advertisement in the newspaper inviting applications for the post of Library Restorer in the year 2007. Respondent No. 5 again recommended the name of the petitioner vide letter dated 18.11.2007. As per rules, minimum qualification for the post of Library Restorer was Matric. Petitioner served a notice dated 17.4.2013 on the respondents with a prayer that the case of the petitioner be considered for promotion to the post of Library Restorer. However, vide the impugned letter, request of the petitioner was declined. Petitioner being matriculate, was eligible to be appointed to the post of Library Restorer.

3. In the present case, request of the petitioner for promotion to the post of Library Restorer has been declined vide Annexure P-10 dated 28.5.2013 and the same reads as under:-

In this connection it is informed that Sh. Des Raj Library Attendant does not have the requisite qualification to the post of Library Restorer as decided by the Chandigarh Administration vide letter No. 32-DPI-UT-A4-24(15)85/111 dated 4.2.2005 a copy of which is enclosed.

Sh. Des Raj Library Attendant had earlier filed a civil suit in the Court of Civil Judge (Jr. Divn.) U.T., Chandigarh for his promotion as Library Restorer but the said case was dismissed. A copy of the orders of the Hon"ble Court are attached for your information.

4. During the course of arguments, learned counsel for the petitioner has placed on record letter dated 4.2.2005 which finds reference in Annexure P-10. As per the said letter, the requisite qualifications for the post of Library Restorer are as under:-

Matric with Certificate course and one year's Apprentice

OR

Matric with Diploma in Library Science.

OR

Matric with 2 years Apprentice Training in Library Science.

5. Admittedly, petitioner is not having the said requisite qualification. Consequently, the request of the petitioner that he be promoted to the post of Library Restorer was liable to be declined as he was not having the necessary qualification.

6. No ground for interference by this Court is made out.

7. Dismissed.