
(2012) 03 P&H CK 0307

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 8188 of 1991 (O and M)

Kaur Singh, Laboratory Attendant, Office of the Chief
Agriculture Officer, Soil Testing Branch, Bhatinda, and Others

APPELLANT

Vs

The State of Punjab and Others

RESPONDENT

Date of Decision : 28-03-2012

Acts Referred:

Citation : (2012) 03 P&H CK 0307

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : Heena Talwar, for Mr. Amit Chopra, for the Appellant; S.S. Sahu, Assistant Advocate General, Punjab, for the Respondent

Judgement

K. Kannan, J.—The writ petition requires consideration only for petitioners 1 to 3 and 5. The counsel would not seriously press for the arguments for the 4th petitioner in view of the nature of facts that have been brought out through the respective pleadings of parties which are brought out as under. All the petitioners 1 to 3 and 5 were appointed as Beldars on various dates between 1973 to 1980, but later adjusted as Laboratory Attendants subsequently between the years 1982 to 1988 on various dates. While the 4th petitioner, Ajmer Singh would contend that he was appointed as a Peon on 20.07.1977 and later put in the category of a Beldar on 08.06.1987 and still later adjusted as a Laboratory Attendant, the respondents have denied that he had ever worked as a Beldar. On the other hand, the contention is that he was appointed directly only as a Laboratory Attendant. The differential consideration for the 4th petitioner that would require his exclusion for consideration like others is only on account of the fact that he had never been proved to be appointed as a Beldar particularly in view of his specific denial made by the respondents and no proof for substantiation is made by the 4th petitioner that he had been appointed as a Beldar in 1987 as contended by him.

2. The grievance of the petitioners is that, to the promotion post as Agricultural

Sub Inspector (for short, ASI), the feeder post is Beldar and since the entry into service was as Beldars, but later adjusted as Laboratory Attendants, they ought to be considered for promotion to the higher post as ASI. The consideration for the petitioners was with reference to an antecedent example of a person by name Surjit Singh, who had been initially appointed as a Beldar in the year 1972 under ICDP scheme and on the abolition of said scheme, he had been adjusted as a Laboratory Attendant by the Chief Agriculture Officer, Ferozepur in the year 1986. Later on, by counting the total service rendered by him as Beldar, Surjit Singh had been promoted as ASI by the Chief Agriculture Officer on 23.04.1990. This aspect, which was brought through with details in the replication, is admitted by the respondents in the reply to the replication. Although the contention of the respondents is that after they (petitioners) were adjusted as Laboratory Attendants, they could not have been promoted to the higher post of ASI by a fiction created by the establishment that the adjustment made would not deny the right of consideration for promotion for a person, who had been appointed as a Beldar. If such a consideration was made, it was purely gratuitous and on account of a similar consideration for another employee. Indeed, the respondents themselves admit the petitioners to have been granted such a benefit during the pendency of writ petition for petitioners 2, 3 and 5. As regards the 1st petitioner since he had already retired in the year 1997, such a consideration had not been given.

3. The counsel for the petitioners would still have a grievance that they should have been treated as promoted to ASI post from the dates when their juniors had been promoted. I do not have any information about who was the junior, who had been granted promotion. The counsel appearing on behalf of the petitioners would cite to me the case of one Bachitter Singh, who was a junior and adjusted like the other petitioners in the post of Laboratory Attendants but promoted as ASI. The distinction to Bachitter Singh's case as brought out in the reply to the replication by the respondents is that Bachitter Singh had been taken back as a Beldar at his request and then promoted to the higher post. In this case, the petitioners have remained in the post as Laboratory Attendants and have claimed for promotion to the higher post although they were not in the feeder posts themselves. There has been substantial justice to the petitioners 2, 3 and 5 by being provided with the promotion posts and I do not think it is necessary to consider them as having been promoted even from the date when Bachitter Singh was promoted. A similar consideration, as done for Bachitter Singh, may not be possible for the only reason that both for Bachitter Singh and for Surjit Singh, the number of years of experience as Beldar had been considered for promotion. I cannot find any details about whether the petitioners had long enough number of years of service as Beldar than Bachitter Singh or Surjit Singh. As regards 1st petitioner, since he had already retired in the year 1997, I do not think it shall be necessary to consider that he should be treated as promoted to the next higher post. As regards petitioners 1 and 4, therefore, no relief shall be possible. As regards petitioners 2, 3 and 5 since they have already

secured higher post as ASI, and hence, no relief is necessary in this writ petition. The writ petition is disposed off as above.