

CWP NO. 17136 OF 2012

Date of decision: 30.10.2015

Ramesh Chhabara

.....Petitioner

versus**State of Punjab and another**

.....Respondents

Coram: Hon'ble Mrs. Justice Lisa Gill**Present:** Mr. Anil Khetarpal, Senior Advocate with
Mr. Saurabh Garg, Advocate
for the petitioner.

Mr. Ashish Sharma, Addl.AG, Punjab.

Lisa Gill, J.(Oral)

Prayer in the present petition is for setting aside order dated 12.03.2012 and directing the respondents to re-fix petitioner's seniority after taking into consideration the service rendered by him as Junior Engineer in the Punjab Water Supply and Sewerage Board w.e.f. 25.02.1997 on regular basis and to grant him benefit of service rendered by him as Assistant Town Planner on Current Duty Charge as well as to consider his case for promotion as Municipal Town Planner w.e.f. the date persons junior to him have been promoted.

Learned Senior counsel for the petitioner at the outset submits that this Court on 16.09.2013 while disposing of CWP No. 111 of 1999 directed the respondent/State to rectify the anomaly in Punjab Municipal Corporation Services(Recruitment and conditions of service) Rules 1970 (hereinafter referred to as the 'Rules'). Petitioners in CWP No. 111 of 1999, questioned promotion of certain officials to the post of Assistant Town Planner. This Court while noting the anomaly in the Rules disposed of the

said writ petition with the following directions:-

“(i) the petitioners would be entitled to be promoted with effect from the date private respondents were promoted, since the petitioners are concededly senior to the said respondents.

(ii) the respondent-State is mandated to rectify the anomaly in the Rules by taking into consideration what has been observed earlier and in particular the merger of cadre since 1982.

(iii) Since the petitioners have not worked on the post, they would be entitled to notional promotion with no monetary consequences. However, for all other related service benefits, such a promotion would be considered to be relevant.”

In view of the above, learned counsel for the petitioners submits that as and when necessary action is taken by the State in view of the decision taken by this Court on 16.09.2013 while disposing of CWP No. 111 of 1999, the petitioner shall stake his claim before the authorities and make necessary representation.

Writ petition is accordingly disposed of with liberty to the petitioner to make necessary representation as above which shall be disposed of expeditiously by the competent authority. Petitioner shall obviously be at liberty to challenge any decision adverse to his interests.

30th October, 2015
Shivani Kaushik

[LISA GILL]
Judge

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