

CWP-22405 of 2012

Date of decision: October 08, 2015

LAKHWINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB & ORS

....Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. L.S. Sidhu, Advocate
for the petitioner.Ms. Monica Chhibber Sharma, DAG, Punjab
for respondents No.1 and 2.Mr. D.S. Patwalia, Senior Advocate with
Mr. Kannan Malik, Advocate
for respondents No.3 and 4.LISA GILL, J.(ORAL)

Petitioner prays for quashing of order dated 18.07.2011 (Annexure P-8) passed by respondent No.4 whereby the petitioner's claim for promotion to the post of Milk Procurement Assistant as well as Bill Clerk has been rejected.

Learned counsel for the petitioner specifically submits that the petitioner stakes his claim for promotion to the post of Milk Procurement Assistant (MPA) only.

Brief facts are that, petitioner was appointed as a casual worker with the respondent department on 10th June, 1987. His services were regularized in March, 1993 and he continued working at different centres with the department. His record is stated to be unblemished. Petitioner stakes the claim for appointment to the post of MPA Bill Clerk which has ultimately been rejected vide impugned order dated 18th July, 2001.

Learned counsel for the petitioner while referring to the eligibility conditions for appointment to the post of MPA Annexure P-3 submits that the petitioner fulfills the said criteria, therefore, his case has wrongly been rejected. Eligibility provided for the post of MPA is;

Graduate, preferably in Agriculture with on year experience of working as Secretary in a Coop. Milk Supply Society affiliated with Milk Union

OR

Matric with 3 years experience as Secretary of Milk Prod. Cooperative Societies

OR

Matriculation with Diploma in veterinary pharmacy or stockman

OR

Matric with 5 years experience of working as Dairy Helper Cum Cleaner in the field, out of five years, 2 years experience should be specifically for the milk procurement work.

Contention of learned counsel for the respondents that qualification for the post of Bill Clerk is degree of Bachelor of Commerce which the petitioner does not possess is irrelevant because petitioner does not stake a claim for promotion to the post of Bill Clerk.

Learned counsel for the respondents is unable to deny that the petitioner is indeed a Matriculate having five years of experience as envisaged in the eligibility conditions (Annexure P3).

Perusal of the impugned order dated 18th July, 2011 shows that the petitioner's case for promotion has been rejected solely on the ground that he is not a graduate.

Keeping in view the factual matrix, order dated 18th July, 2011 is set aside and respondent No.4 is directed to consider the

petitioner's case for promotion to the post of MPA and decide the same by passing a well reasoned speaking order after giving an opportunity of hearing to the petitioner within a period of two months from the date of receipt of certified copy of this order.

Petition is disposed of accordingly.

October 08, 2015
m. sharma

(LISA GILL)
JUDGE