

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Writ Petition No. 6824 of 2014 (O&M)

Date of decision : December 18, 2015

Amandeep Singh and anotherPetitioners

Versus

State of Punjab and anotherRespondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Aalok Jagga, Advocate for
Mr. Karanyog Singh Riar, Advocate
for the petitioners.

Mr. Anil Sharma, Additional Advocate General, Punjab.

Mr. Nitin Kaushal, Advocate
for respondent No. 2.

LISA GILL, J.

Challenge in this writ petition is to order dated 01.04.2014
(Annexure P-4) vide which petitioners have been reverted from the
post of Junior Environmental Engineer to Field Attendant.

Undisputed facts are that petitioners were promoted on
ad hoc basis to the post of Junior Environmental Engineer against
vacant posts till the same were filled on regular basis vide order
dated 28.02.2013 (Annexure P-1). Vide impugned order dated
01.04.2014 they were reverted to their original post of Field
Attendant. Aggrieved therefrom, petitioners preferred this writ

petition.

Notice of motion was issued on a specific contention of the petitioners that posts in question are not being filled on a regular basis, therefore, their reversion is unjustified and illegal.

Respondents took a categorical stand that due to shortage in staff in Technical as well as Clerical cadres, Punjab Pollution Control Board with the approval of Government of Punjab in the Department of Science, Technology and Environment has decided to fill up certain vacancies on a regular basis in different cadres. Respondent-board entered into an agreement with Thapar University, Patiala – respondent No. 2 for conducting recruitment process for various posts with the Board. Advertisement for recruitment was issued for various posts including that of Assistant Environmental Engineer and Junior Environmental Engineers. Petitioners never applied for recruitment on regular basis. It is further stated in affidavit dated 14.05.2015 filed by the Member Secretary, Punjab Pollution Control Board that the Board was in the process of issuing letters of appointment to twenty successful candidates.

Thereafter, this Court on September 8, 2015 passed the following order:-

“ Learned counsel for the petitioners submits that nowhere in the affidavit, filed by the respondents, has it been stated that the posts in question, that the petitioners are occupying, are proposed to be kept vacant.

In view of the fact that the promotion order of the petitioners (Annexure P-1), states that the promotions are being made till the posts are filled by direct recruits, the

respondents would file an affidavit within one week, i.e. by 15.09.2015, stating therein as to whether the posts occupied by the petitioners are proposed to be kept vacant for any reason, including the fact that the work being taken from the petitioners is not required any longer, in view of the fact that 23 persons are stated to have been recruited on regular basis (and 3 persons are already occupying the promotional posts of the cadre, as are available for promotees).

Adjourned to 21.09.2015.

Interim order to continue till the next date of hearing only.”

Pursuant thereto, affidavit dated 09.12.2015 has been filed, wherein it is revealed that there are 30 sanctioned posts of Junior Environmental Engineers in the Board out of which 90% i.e. 27 posts are to be filled through direct recruitment and 10% i.e. three posts are to be filled up by promotion from amongst employees of the Board who acquired diploma in Civil/Environmental and Chemical Engineering from recognised University/Institution having atleast five years experience in the Board. Under quota of direct recruitment, 20 candidates have been recruited as Junior Environmental Engineers through written competitive exam and three are already working with the Board in this quota. As far as three posts to be filled up on promotion, candidates are already working thereon after being duly promoted. Therefore, at present against 30 sanctioned posts of Junior Environmental Engineers, 26 candidates are working on regular basis. There is no proposal for filling the remaining posts, which shall remain vacant till regular appointment is made, as the

present incumbents working on regular basis are sufficient for current needs of Punjab Pollution Control Board. Services of the petitioners, who were promoted purely on adhoc basis from the post of Field Attendant against the quota of direct recruits, are not required.

Contention of learned counsel for the petitioners that petitioners should be permitted to continue on the post of Junior Environmental Engineer as they are still continuing to perform important duties without any financial burden as they continue to draw the basic pay of Field Attendant, is devoid of any merit. It is duly explained by the respondents that as the petitioners were working under interim orders of this Court, therefore, they are discharging duties as referred to by learned counsel for the petitioners.

In view of the above facts and circumstances, learned counsel for the petitioner is unable to point out any ground whatsoever for interference by this Court as no vested right accrues to the petitioners to continue on the posts of Junior Environmental Engineer on adhoc basis in light of the specific stand of the Department delineated above.

Writ petition is, accordingly, dismissed.

December 18, 2015
rts

(Lisa Gill)
Judge