

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15664 of 2011
Decided on : 27.02.2016

Shashi Rani Sharma & others

... Petitioners

Versus

State of Punjab & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.Ranjivan Singh, Advocate, for the petitioners.

Mr.Avinit Avasthi, AAG, Punjab, for respondents no.1 & 2.

Mr.V.S.Vashisht, Advocate, for respondents no.3 & 4.

Ms.Manjeet Kaur, Advocate, for

Mr.Karamjit Singh, Advocate, for respondent no.6.

G.S. Sandhawalia, J. (Oral)

Petitioners challenge the order of promotion dated 02.07.2011 (Annexure P6) whereby Public Health Nurses (PHNs) and Lady Health Visitors (LHVs), working in the Health & Family Welfare Department, were promoted as District Public Health Nurses in the pay scale of Rs.10,300-34,800 + Grade Pay of Rs.4,200. Challenge is based on the instructions dated 03.09.1983 (Annexure P5) whereby the Government of India, Ministry of Health & Family Welfare had provided that the ratio should be 60:40, 60% for the PHNs and 40% for the LHVs.

The defence of the State is that the Punjab Health (Nursing Service Class II) Rules, 1983 (Annexure R1) would be applicable whereby the ratio is to be maintained as 25% by promotion from the PHNs and 75% from LHVs. It has been further pleaded that the State Government had not adopted the instructions dated 03.09.1983 and the promotions are being made according to the rules.

In view the categorical defence taken by the State and keeping in view the settled principle that the rules will govern over and above any instructions issued, this Court is of the opinion that there is no scope for interference in the order impugned and in the promotions, which have been made, in accordance with the rules.

Accordingly, the present writ petition is dismissed.

FEBRUARY 27, 2016

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(G.S. SANDHAWALIA)
JUDGE