

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

Date of decision:08/08/2016

Rajiv Kapoor

.....Petitioner

VS

Punjab Water Supply & Sewerage Board and another

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.VK Sharma,Advocate for the petitioner.

Jaswant Singh,J(Oral)

Petitioner joined as Junior Engineer by way of direct recruitment on 13.8.1997 with the Punjab Water Supply and Sewerage Board. He was subsequently promoted as Sub Divisional Engineer w.e.f. 4.10.2012 vide order dated 27.11.2015. The retrospective promotion was on account of exoneration relating to previous departmental proceedings for imposition of major penalty.

In the present petition the claim for retrospective promotion is w.e.f. 6.12.2011 based on the provisions of unamended Regulation in Appendix-B of Punjab Water Supply & Sewerage Board (Service) Regulations,1982 (for short 1982 Regulations) wherein one of the sources of promotion was from Junior Engineer with degree and 10 years of experience.

Learned counsel for the petitioner has argued that in the un-amended provisions of 1982 Regulations the ratio of recruitment to the post of Sub Divisional Engineer was 65% for direct recruitment and 35% for promotees and therefore, his source has to be assigned that much percentage

After hearing learned counsel for the petitioner no case for interference is made out.

It is a conceded position that w.e.f. 22.11.2011 the 1982 Regulations stood amended by way of substitution laying down that the quota for promotion was 40% whereas for direct recruitment was 60% for filling up the Class II post of Sub Divisional Engineer. Out of 40%, 25% was sub allotted to those Junior Engineers who possessed a Diploma in Engineering and had minimum experience of working as such for 10 years; and 13% to those Junior Engineers who possessed Degree in Civil Engineering and had experience of 3 years and remaining 2% was to be filled up from the Circle Head Draftsmen or Divisional Head Draftsmen etc. with a minimum experience of two years. It is not in dispute that when the case of the petitioner for promotion in his quota came up for consideration the 1982 Regulations stood amended on 22.11.2011 and therefore, he cannot claim any benefit of the previous Regulations existing prior to amendment and time of vacancy existing in his quota.

For the reasons stated herein the present petition stands dismissed.

08.08.2016
joshi

(Jaswant Singh)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable:	Yes/No