

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No.15893 of 2016.

Date of Decision: August 08, 2016

Parminder Kumar and others

.....Petitioners

versus

The State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE GURMIT RAM.**

Present: Mr.I.D.Singla, Advocate, for the petitioners.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioners are working as Bill Clerks in the Department of Water Supply and Sanitation, Government of Punjab. They have laid challenge to the *vires* of Rule 8(2)(c) of the Punjab Public Works Department (Public Health Circle) State Service Class-III Rules, 1983 (for short 'the 1983 Rules), to the extent of their exclusion from the feeder cadre for the purpose of promotion to the posts of Accounts Clerks and Assistants. It may be mentioned here that as per the above-stated provision, the posts of Accounts Clerks and Assistants in the Department are to be filled in "by promotion from amongst the Clerks, Senior Clerks or Ledger Keepers or Meter Clerks...." Such posts can also be filled in by transfer. The petitioners thus want this Court to amend Rule 8(2) (c) (i) *ibid* and insert "Bills Clerks" as one of the source for promotion to the posts of Accounts Clerks and

Assistants.

We have heard learned counsel for the petitioners at a considerable length.

In our considered view, mere exclusion of the petitioners from the feeder cadre for the purpose of promotion to the posts of Accounts Clerks or Assistants does not *per se* render the Rule unconstitutional. It is for the Competent Rule Making Authority to determine as to what should be the source of promotion to a post, keeping in view the administrative efficiency, availability of promotional avenues etc.

It may be true that promotion in one's service career is a legitimate expectation. But such expectation cannot be made reality either through a writ of mandamus by directing the authorities to insert some left out category in the "feeder cadre" nor by way of a writ of certiorari by striking down the Rule. If the Bills Clerks have got no promotional avenues, as claimed in the writ petition, this too would not render the rule illegal or hit by any Statute or Constitutional provisions.

The appropriate recourse for the petitioners thus would be to approach the Competent Authority and seek the promotional avenues, if already not provided for them. We thus decline to interfere with the Rules as the same are not found suffering with any legal infirmity. The writ petition nevertheless is disposed of with a direction to the Principal Secretary to Government of Punjab, Water Supply & Sanitation Department, to take up the matter in terms of the recommendations said to have been made by the Chief Engineer of the Department vide memo dated 19.04.2004, for inclusion of the Bill Clerks in the feeder cadre for promotion as Accounts Clerks and Assistants. We have no reason to doubt that the Competent Authority shall take an appropriate decision keeping in view the

administrative efficiency and administrative interest of the Department,
preferably within a period of six months from the date of receiving a
certified copy of this order.

Ordered accordingly.

Dasti.

[SURYA KANT]
JUDGE

August 08, 2016
mohinder

[GURMIT RAM]
JUDGE

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