

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26409-2013

Date of Decision: August 04, 2016

Sukhwinder Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.Govinder Singh Brar, Advocate
for the petitioner.

Mr.Rajesh Bhardwaj, Addl.AG,Punjab.

.....

SURYA KANT, J.

The petitioner is substantively working as a Dark Room Assistant in Government Rajindera Hospital, Patiala, since 04.06.1990. He claims to have been given “officiating charge” of the promotional post of Radiographer also. However, in the absence of any provision under the Rules, the petitioner has not been promoted on regular basis. The recruitment to the post of Radiographer is governed under the Punjab Health and Family Welfare Technical (Group `C') Service Rules, 2007. Under these Rules, the post of Radiographer for which the petitioner possesses the requisite qualification, is to be filled up hundred per cent by direct recruitment.

There appears to be some merit in the petitioner's contention that

the Rule making Authority needs to revisit the Rules so as to provide some avenue of promotion for Dark Room Assistants, for the posts of Radiographers, of course without compromising with the requisite qualification or efficiency. If the Rules are suitably amended or relaxed and petitioner is promoted, it will not be an isolated exception as there are some past instances where Dark Room Assistants were promoted as Radiographers.

Since the resolution of the aforesaid issue entails amendment in the Service Rules formulated under Proviso to Article 309 of the Constitution, it is not necessary for us to go into the *vires* of the Rule and suffice it would be to dispose of this writ petition at this stage with a direction to the State Government that let the matter be considered at the highest level in terms of the observations made hereinabove and an appropriate decision be taken as early as possible and preferably within a period of four months from the date of receipt of a certified copy of this order.

(SURYA KANT)
JUDGE

August 04, 2016
meenu

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No