

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

CWP No. 26830 of 2015
Date of decision: 08.02.2016

Ved Kumar Bhatia

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. R.K. Arora, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks direction to respondents to grant the petitioner promotion to the post of Junior Engineer from the due date alongwith consequential benefits as allowed to other similarly situated technical employees.

It is the case of the petitioner that he initially joined the department as a Winder (Electrical) on 01.03.1983 on a regular post and he possesses the qualification of matric with two years' ITI course. The designation of his post is Armature Winder. The grouse of the petitioner is that he is not being considered for promotion to the post of Junior Engineer whereas, other similarly situated employees like electrician, fitter, mason, motor mechanic are being considered and granted promotion. A representation dated 29.12.1995 had also been made and a recommendation had been made but promotion has not been given on account of the fact that the said post was not mentioned in the feeder cadre post for promotion. As per the recommendation of the 3rd Pay Commission, the post occupied was re-designated as Technician and the petitioner was allowed the pay scale of ₹1200-2100 from the date of his joining.

Counsel for the petitioner submits that though he has served a legal notice dated 29.10.2015 (Annexure P-13) but vide notification dated 06.01.2015, there has been an amendment in the Punjab Municipal Corporation Services (Recruitment and Conditions of Service) Rules, 1978. As per the amendment, 70% of the promotional posts have to be filled up from amongst Class III employees working in the Municipal Corporation under the control of the Director who are matriculates/have an experience of working on a post in a Municipal Corporation for a minimum period of 8 years/have ITI certificate in the electrical trade. Counsel accordingly submits that this aspect has not been mentioned in the demand notice which has been already served on 29.10.2015 (Annexure P-13). He further submits that he would submit a detailed legal notice incorporating all these facts before the respondents and he would be satisfied if the said demand notice is decided within a time bound frame.

Notice of motion.

Mr. R.S. Sidhu, AAG, Punjab accepts notice on behalf of the respondents. Copy of the writ petition has been supplied to him.

Keeping in view the limited relief sought, this Court is of the opinion that there is no need for the respondents to file reply.

Accordingly, without commenting on the merits of the case, the writ petition is disposed of with a direction to respondent no. 2 that he shall, on the receipt of the legal notice/representation, take a decision on the same within a period of 3 months from the date of receipt of certified copy of the order. Needless to say if the petitioner is not to be held entitled, a reasoned order be passed and conveyed to the petitioner.

08.02.2016
shivani

(G.S. SANDHAWALIA)
JUDGE