

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

**CWP No. 14665 of 2014.**

Date of Decision: 13.03.2018.

Jaswinder Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM : Hon'ble Mr. Justice Jitendra Chauhan**

Present: Mr. Jatinder Pal Singh, Advocate,  
for the petitioner.

Mr. Amit Mehta, Sr. DAG Punjab.

**JITENDRA CHAUHAN.J.(ORAL)**

By way of present writ petition, the petitioner seeks issuance of a writ in the nature of mandamus for directions to respondent Nos. 1 & 2 to promote the petitioner to the post of Senior Assistant from the date, juniors to the petitioner have been promoted and to promote the petitioner as per her seniority.

The petitioner was appointed as Steno-Typist on 24.06.1985. She appeared in the Senior Assistant Grade Examination and qualified the same on 16.09.1998 (Annexure P-3). On the strength of examination passed, the petitioner was promoted to the post of Senior Assistant which she joined on 28.10.1998 (Annexure P-6). Hon'ble the Supreme Court in the judgment titled as **“Saroj Rani vs. State of Punjab” AIR 1999 (SC) 3392** fixed the ratio of vacancies after

January 1991 onwards to be filled in the ratio of 70:30. There will be

exemptee clause for the employees who had completed 18 years of service. All the persons who were promoted beyond 30% were reverted. The petitioner was reverted on 31.12.1999 (Annexure P-8).

It is the case of the petitioner that junior to the petitioner, namely, Sukhmandar Singh was reverted and was again promoted on 08.02.2000 (Annexure P-9).

The stand taken in the written statement is that no junior to the petitioner was promoted against ratio of 30% in view of the Supreme Court judgment rendered in *Saroj Rani's case (supra)*. The petitioner could not be promoted to the post of Assistant from the post of Steno-Typist because as per the service rules, the Punjab Animal Husbandry Rules Class-III (Ministerial Rules), 1988, the promotion could be effected only from amongst the Clerk/Store Keepers/Assistant Store Keepers/Accountants/Clerk-cum-Typists/Laboratory Assistants cum Clerks/Store Keepers cum Accountants/Clerk cum Storekeepers and Junior Scale Stenographers. Though it admits the fact that post of Steno-Typist held by the petitioner and the Clerk has a common cadre and common seniority and the case of the petitioner is to be governed by notification dated 26.12.1961 (Annexure P-1). The notification dated 26.12.1961 reads as under:-

*“1.(1) These rules may be called the Punjab Civil Services (Promotion of Stenographers and steno-typists) Rules, 1961.*

*(2) They shall apply to all Stenographers and steno-typist of all the Departments of the State excepting those of the Punjab Civil Secretariat, the Punjab Legislative council Secretariat and the Punjab High Court.*

*(3) They shall come into force at once.*

*2. Stenographers and steno typists shall be eligible for promotion to the post of Assistant, Head Assistant, Deputy Superintendent-Superintendent as the case may be in accordance with the rules.*

*xxxx*

*5 (1) The Junior Scale Stenographers and Steno-typist shall along with Clerks, be eligible for promotion to the post of Assistant after they have qualified in the test prescribed for the post of Assistants. On their appointment as Assistants they shall, like other Assistants be eligible for promotion to the higher posts on the clerical side on the basis of their seniority in the Assistants cadre.*

*(2) The inter-se seniority of such Junior Scale Stenographers and steno-typists vis-a-vis Clerks shall be determined by the dates of their continuous appointment against the post of Junior Scale Stenographer or Steno-Typist or Clerk, as the case may be, and if the date of their appointment be the same, the older shall be senior to the younger.”*

In response to the order dated 21.02.2017, additional affidavit of Dr. Amarjit Singh, Director Animal Husbandry has been filed today in the Court and the same is taken on record. The affidavit lists the Steno-Typist who passed the Assistant Grade examination under 1984 Rules and were promoted. It includes one Smt. Nirmal

Kanta who had retired on 30.04.2012 and Sukhminder Singh who subsequently, expired.

Learned State counsel, on instructions, states that it has been noticed that the petitioner along with Nirmal Kanta and Sukhminder Singh also passed the Assistant Grade examination and the case of the petitioner is similar to that of Nirmal Kanta and Sukhminder Singh.

In view of the admission made by the State counsel, the writ petition is allowed; it is ordered that the petitioner be promoted from the due date and all monetary and other consequential benefits be passed on her, within three months from the date of receipt of certified copy of the judgment.

13.03.2018.  
SN

**(JITENDRA CHAUHAN)**  
**JUDGE**

|                                    |               |
|------------------------------------|---------------|
| <b>Whether speaking/reasoned :</b> | <b>Yes/No</b> |
| <b>Whether reportable :</b>        | <b>Yes/No</b> |