

Sr. No.235

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

**CWP No.16501 of 2016 (O&M)
Date of Decision: 19.12.2018**

Savita Ahuja

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

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

Mr. Abhaypal Singh Gill, AAG, Punjab.

Mr. V.K.Kaushal, Advocate,
for respondent No.2.

ARUN MONGA, J.(ORAL)

CM No.18406-CWP of 2018

Application is allowed, as prayed for, subject to all just exceptions.

Main Case

Present writ petition has been filed for issuance of a writ in the nature of mandamus directing the respondents to consider and promote the petitioner as Sub Divisional Engineer (SDE) w.e.f. 25.01.2016 along with consequential benefits.

It is contended by the learned counsel for the petitioner that petitioner is fully eligible to be promoted against the post of SDE under 2 % quota carved out for promotion from amongst the

Circle Head Draftsmen or Divisional Head Draftsmen who possess a degree of Engineering in Civil or Mechanical or a degree of AMIE from a recognized University or Institution.

He states that right to said entitlement arises out of Notification dated 27.03.2012 issued by Punjab Water Supply and Sewerage Board.

As far as the entitlement for promotion under 2 % quota, the same has not been controverted and is a conceded position. However, the contesting respondent No.2-Punjab Water Supply & Sewerage Board has stated that one Smt. Rajwant Kaur was promoted from draftsman quota to SDE on regular basis owing to which the 2% quota was exhausted.

It is contended that till the fresh vacancy of SDE arises in the General Category from the draftsman quota, the case of the petitioner accordingly, has been kept in abeyance.

Per contra learned counsel for the petitioner states that the said objection does not survive in view of the order dated 09.07.2018 (Annexure P-13) which has been passed during pendency of the writ petition and pursuant to which said Rajwant Kaur has been promoted as Executive Engineer w.e.f. 29.01.2016 owing to the post of SDE earlier held by her is vacant.

Learned counsel for respondent No.2-Sewerage Board concedes the said factual position as put forth by learned counsel for the petitioner.

In view of the above, the present writ petition is disposed of with a direction to respondent No.2-Chief Executive

Officer, Punjab Water Supply and Sewerage Board, Chandigarh to take a decision on the claim of the petitioner for promotion and pass a speaking order in accordance with law. Needful be done within a period of 02 months from the date of receipt of a copy of this order.

It is made clear that observations of this Court shall not be construed as expression of opinion on the merits of the case.

Disposed of.

19.12.2018

vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No