

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

CWP No.19933 of 2016 (O&M)

Date of Decision: 13.03.2018

Surinder Pal Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B. S. WALIA**

Present: Mr. Arjun Pratap Atma Ram, Advocate
for the petitioner.

Mr. Vikas Mohan Gupta, Addl. A.G., Punjab.

Mr. G. S. Bajwa, Advocate
for respondent No.4.

RAJESH BINDAL J.

The petitioner has approached this Court to challenge the amendment carried out in the Punjab Municipal Corporation Services (Recruitment and Conditions of Service) Rules, 1978 to the extent that it had been given retrospective effect from 24.01.2011, though amendment was carried out vide notification dated 08.09.2016.

The stand taken by the respondents in the reply is that the State is not giving retrospective effect to the aforesaid amendment and the petitioner has been promoted in terms of the Rules as existing prior to the amendment.

Learned counsel for the petitioner submitted that his prayer to that extent in the writ petition has been rendered infructuous, however with reference to the stand taken by the respondents that the petitioner has been promoted and all the benefits arising out of promotion will be

granted to him from the date he has been promoted, in case the petitioner is aggrieved of this condition, he may be given liberty to avail of his appropriate remedy for the same.

Learned counsel for the State does not have any objection to the aforesaid liberty sought by the petitioner.

After hearing learned counsel for the parties, the writ petition is disposed of as infructuous *qua* relief claimed regarding challenge to the Rules to the extent of their retrospectively, however with liberty aforesaid.

The Civil Writ Petition as well as applications are disposed of accordingly.

(RAJESH BINDAL)
JUDGE

(B. S. WALIA)
JUDGE

13.03.2018

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No