

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

**Civil Writ Petition No. 22278 of 2018 (O&M)
Date of Decision: 13.09.2018**

Paramjit Singh and others

..... Petitioners

Versus

The State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Chaman Lal Sharma, Advocate
for the petitioners.

Mrs. Anu Chatrath Kapur, Additional Advocate General, Punjab
for the respondents/State and assisted by
Mr. Kamal Garg, Secretary, Subordinate Service Selection Board, Punjab

JASWANT SINGH, J. (ORAL)

It is submitted that the post of '*Election Kanungo*' is governed by the Punjab Department of Elections (State Service Class III Field) Rules, 1984 (in short 'the 1984 Rules'); and as per Rule 8, twenty-five *per cent* (25%) quota has been provided by way of direct recruitment. It is averred that the petitioners are serving as 'Clerk' and are entitled to be considered for promotion of '*Election Kanungo*' under the twenty-five *per cent* (25%) promotional quota. It is stated that there are 118 posts of '*Election Kanungo*' sanctioned and as per the quota, only 29/30 direct recruits can be appointed in the quota.

The petitioners' grievance are that the Department is proceeding to fill up thirty-five (35) posts by way of direct recruitment, although only the fourteen (14) vacant posts are available in the direct quota.

Upon notice for today, learned State Counsel states that Mr. Gurpal Singh Chahal, Additional Chief Electoral Officer, Punjab, has sent a

memo dated 12.09.2018, wherein the factual position has been delineated. She

further submits that as far as the cadre of the petitioners, i.e., Clerk, is concerned, only thirty (30) posts out of the total 118 sanctioned strength of '*Election Kanungo*' fall to their share-sub quota, and as on today, sixty-eight (68) stand promoted. She also submits that factually, only eleven (11) posts in the direct quota are vacant, whereas there are fifty-seven (57) vacant posts in the promotional sub-quota of '*Revenue Patwari*'. The 35/30 advertised posts of '*Election Kanungo*' for direct recruitment included twenty-one (21) posts diverted from the promotional sub-quota of '*Revenue Patwaris*' keeping in view the exigencies of the services though without amending the Rules. However, on re-examination, a proposal has been moved for modification/amendment of 'the 1984 Rules' for changing the percentage of direct recruits.

Mr. Kamal Garg, Secretary, Subordinate Service Selection Board, Punjab, who is present in Court, states that on receipt of such information from the Department, a corrigendum would be issued scaling down the advertised posts from 35/30 to the vacant posts in the quota of direct recruitment till any amendment in 'the 1984 Rules' is made. A photocopy of the aforesaid memo dated 12.09.2018 submitted in Court today is taken on record as **Annexure/Mark-A**.

In view of the above, counsel for the parties are agreed that nothing more survives for adjudication in the matter further, and the present petition is liable to be dismissed.

'Dismissed'.

September 13, 2018

'dk kamra'

**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>