

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

CWP No.5530 of 2018

Date of Decision:-18.05.2018

Pawan Kumar.

.....Petitioner.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Anish Batra, Advocate for the Petitioner.

Mrs. Lavanya Paul, Assistant Advocate General, Punjab
assisted by Mr. V.K. Meena, IAS, Divisional Commissioner,
Patiala Division.

JASWANT SINGH, J.(ORAL)

Petitioner is aggrieved by the removal of his name from the Register-D as compiled on 22.02.2018 maintained for promotion to the post of *Naib Tehsildars* which comprises the Seniority/placement of *Kanungos* who have passed the departmental examination.

It is submitted that as per Rule 7 (ii) of the Punjab Naib Tehsildar (Class-III) Service Rules, 1984 50% quota is provided for promotion to the post of *Naib Tehsildar* to be filled up from *Kanungo* who have passed the departmental examination and placed in promotional Registers B, C & D. The Rule does not prohibit the simultaneous placement of a eligible *Kanungo* in Register-B & D so as to avail the benefit of promotion to the post of *Naib Tehsildar* against the roster point reserved for

various registers B, C & D.

It is contended that *Sadar Kanungos* are required to have a minimum period of 5 years for becoming eligible for promotion from Register-B whereas *Kanungos* who possess minimum period of 5 years with minimum period of 2 years as *Field Kanungo* for becoming eligible and placement in Register-D.

The grievance of the petitioner is that he has not become eligible under the promotional Register-B whereas being fully eligible in Register-D, his name has been illegally deleted.

Upon notice, reply was filed which was found inadequate. Accordingly Mr. V.K. Meena, IAS, Divisional Commissioner, Patiala Division was summoned in court. He is present at the time of hearing and has filed additional affidavit dated 17.05.2018 in Court. He submits that in view of the proviso to Sub Clause-C to Clause (ii) of Rule 7 of 1984 Rules, a *Sadar Kanungo/District Kanungo* is also entitled to be considered for promotion to the rank of *Naib Tehsildar* against the post reserved for *Kanungo* as per the roster point reserved for Registered D as provided in Rule 9 of the 1984 Rules. He further submits the *Sadar Kanungo* would be entitled to be considered for promotion from both roster points reserved for Register B & Register D and, therefore, inadvertent mistake of the removal of the name of the petitioner from Register D does not cause any prejudice to the petitioner as nobody junior to him in the general category to which he belongs from Register D has been promoted to the post of *Naib Tehsildar* prior to his reaching the age of superannuation w.e.f. 31.03.2018. He however concedes that for maintaining transparency and effective implementation due care shall be taken in future to place the people both in

Register B as well as in Register D provided they fulfill the eligibility conditions for being placed in the respective registers.

In view of the above, nothing more survives for adjudication in the present writ petition which is hereby dismissed.

(JASWANT SINGH)
JUDGE

May 18, 2018
Vinay

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