

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

CWP No.7723 of 2019 (O&M)
Date of decision: March 25, 2019

Amit Kesri ...Petitioner

Versus

Punjab Vidhan Sabha Secretariat & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. B.S. Patwalia, Advocate for the petitioner.
Ms. Anu Chatrath, Addl. A.G. Punjab.

Rajan Gupta, J.(oral)

A copy of the petition was handed over to the State counsel on the last date of hearing to enable her to assist.

Petitioner has prayed for quashing of advertisement dated 27.2.2019 (Annexure P-13) on the ground that same is illegal and arbitrary. Fifty percent of the posts of Assistant Programmer have to be filled by way of promotion, against which petitioner deserves to be considered. Petitioner was appointed as Clerk in the Punjab Vidhan Sabha on 26.4.2005 on temporary basis for a period of six months. On 19.10.2006, he was appointed on regular basis on a probation of two years. On 10.10.2012, he was placed in a higher pay scale as Junior Assistant, as he had completed nine years of service. According to petitioner, he has been heading the IT Wing in the Vidhan Sabha. The State counsel, however, submits that no separate IT Wing was ever created. There is recent move by the Vidhan Sabha to make direct recruitment on temporary posts of Assistant Programmers. A perusal of the rules shows that the Assistant Programmer may be recruited (i) by promotion, (ii) by direct recruitment. Certain posts

have been advertised. Respondents have decided to fill up the same by a direct recruitment. There is nothing on record to show that 50% of the said posts have to be fulfilled by way of promotion, as claimed by the petitioner. Besides, it is always open to the petitioner to compete for the said posts.

Under the circumstances, this court finds no merit in this petition. Same is hereby dismissed.

(RAJAN GUPTA)
JUDGE

March 25, 2019
'Rajpal'

Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No