

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

CWP-14203-2019

Date of decision : 30.05.2019

Satwinder Singh & ors.

...Petitioners

V/s

State of Punjab

...Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. R.K. Chopra, Sr. Advocate with
Mr. Gaurav Sharma, Advocate for the petitioners.
Ms. Ishneet Kaur, AAG Punjab.

RAJAN GUPTA J.

Petitioners have prayed for a writ in the nature of mandamus to direct the respondent to suitably amend the Rules so that 100% posts of Deputy Director, Industrial Training can be filled by promotion as per the Training Manual issued by Government of India, Ministry of Skilled Development and Entrepreneurships. They also prayed that respondent be restrained from filling up five available posts of Deputy Director by way of direct recruitment for which advertisement has been issued by Punjab Public Service Commission. Mr. Chopra, has vehemently contended that a representation was made by Employees Union who stated that 100% posts of Deputy Director need to be filled by way of promotion. According to him, pursuant to same a Committee has been constituted to consider the plea of the Union. Besides, certain guidelines have been laid-down by the National Council for Vocational Training which needs to be kept in mind. Assistance of the State counsel has also been sought. According to her, the department is bound by the existing Rules and would proceed accordingly. Para 3 of Punjab Industrial Training (Group-A) Technical Service Rules reads as

under:-

3 Deputy Director, Industrial Training/Deputy Apprenticeship Advisor/Principal (Senior Scale) Industrial Training Institutes	Fifty per cent	Fifty per cent	From amongst the Assistant Directors, Industrial Training/Principal (Junior Scale) Industrial Training Institute/Manager government Work Centre, who possess a Degree in Engineering in any discipline from a recognized university or institution and who have an experience of working on either of these posts for a minimum period of five years.	Should have (i) First Class Master's Degree in Engineering or Technology in any discipline from a recognized university or Institution; and (ii) five years' practical or professional or teaching experience on a responsible administrative or technical Group-B post in a Government department, a public sector under taking or a factory registered under the Factories Act, 1948
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It is evident that aforesaid Rules provide that as on date 50% of the posts are required to be filled by promotion and 50% by direct recruitment. There is nothing on record to show any process for amendment of the Rules has been initiated. Only a Committee has been constituted to consider the representation of the Employees Union. The guidelines issued by National Authority would have no relevance at this stage as Rules are in existence and issued under Article 309 of the Constitution of India.

Under the circumstances, petition is without any merit and is hereby dismissed.

May 30, 2019

(RAJAN GUPTA)
JUDGE