

**Sr. No.213
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.11554 of 2014 (O&M)

Date of Decision: 27.05.2019

Om Parkash

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Naresh Kumar, Advocate,
for the petitioner.

Mr. Abhaypal Singh Gill, AAG, Punjab.

Mr. Nitin Kaushal, Advocate,
for respondents No.3 and 4.

ARUN MONGA, J.(ORAL)

The short controversy that narrows down is whether on the basis of National Trade Certificate issued by National Council for Training in Vocational Traders (Annexure P-1), petitioner is eligible to be considered under 10% quota from Class-III employees for the purpose of promotion to the post of 'Junior Engineer Electrical'.

2. Per contra, the stand of the learned counsel for respondents is that the Rules envisage that Class-III employee should be a matriculate or 10+2 in second division with diploma in Electrical Engineering and Annexure P-1 is not a diploma of Trade Certificate.

3. Learned counsel for the petitioner submits that similarly situated employees who had got similar certificate have been

given the benefit of promotion under the same very Rule and the petitioner is being unfairly denied the same benefit.

4. Be that as it may, without going into the controversy of the eligibility of the petitioner whether or not he is a diploma holder or Trade Certificate Holder, writ petition is disposed of with a direction to Respondent No.2-Director, Department of Local Bodies, Punjab to consider the case of the petitioner on the basis of certificate (Annexure P-1) on parity with the similarly situated employees as illustrated in para 5 of the writ petition and pass a speaking order, in accordance with law by application of the Punjab Municipal Service (Recruitment and Conditions of Service) Rules, 1975 or Municipal Corporation Act, 1976, as the case may be.

5. Let the needful be done within a period of 3 months from the date of receipt of a certified copy of this order.

6. Writ petition is disposed of with above observations.

(ARUN MONGA)
JUDGE

27.05.2019
vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No