

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

CWP No.18632-2019 (O&M)

Date of Decision:12.07.2019

Tek Chand and others

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. A.K. Khunger, Advocate, for the petitioners.

Ms. Ambika Sood, DAG, Punjab.

TEJINDER SINGH DHINDSA J.(Oral)

Petitioners who are working on the post of Clerks under different Municipal Councils in the State of Punjab and under the aegis of the Local Government, Punjab, are aggrieved of the action of the respondents authorities in not issuing to them roll numbers to facilitate their participation in the examination of Accountants which is scheduled to be held from 13.07.2019 to 15.07.2019 at Punjabi University, Patiala.

The case projected on behalf of the petitioners is that they had applied for the examination in the years 2012-2013 and had deposited the requisite fee by way of demand draft. Counsel has argued that even though examination of the Accountants of Municipal Councils/Improvement Trust in the State of Punjab is to be conducted every year but no test has been conducted since the year 2012. It was further urged that roll numbers have not been issued to the petitioners only on the pretext that application forms submitted by the petitioners way back in the years 2012-2013, are not traceable.

Notice of motion had been issued in the instant petition on

11.07.2019 and Ms. Ambika Sood, learned DAG, Punjab, had accepted notice on behalf of the respondents.

During the course of resumed hearing today, learned State counsel has opposed the prayer of the petitioners for issuance of roll numbers for the Accountants examination by placing reliance of communication dated 03.04.2018 that had been issued by the Directorate, Department of Local Government, Punjab, and addressed to all the Commissioners, Municipal Corporation as also the Executive Officers of the Municipal Councils/Nagar Panchayats/Improvement Trusts across the State of Punjab.

It would be useful to reproduce the contents of such communication which reads as follows:-

Directorate, Department of Local Govt. Punjab

***PUNJAB MUNICIPAL BHAWAN, PLOT NO.: -3,
SECTOR 35-A, CHANDIGARH – 160022
(ACCOUNTS BRANCH)***

No : Acctt-2-DCFA-DLG-18/ 19336-541

Fax. 0172-2661062

Date: 03.04.2018

E-mail : dcfalg35@Gmail.com

To

- 1. All The Commissioners,
Municipal Corporation (in the State of Punjab),***
- 2. All the Executive Officers.
Municipal Council/Nagar Panchayats/Improvement Trust (in the
State of Punjab).***

***Subject:- Accountants Examination in Urban Local Bodies in the
State of Punjab.***

***Your attention is invited to Punjab Government,
Department of Local Government notification No.GSR
119/PA3/11/S.240/79 dated 08.08.1979 On the subject cited above
and to state that next Accountants Examinations are likely to be***

held shortly. Applications duly attested by the Head of Local body/Office of the intending eligible candidates for permission to appear in the said examination should reach this office by 31.05.2018 at the latest. The soft copy of application form along with relevant documents (Word File) may also be sent through e-mail at accttexam35@gmail.com.

The prescribed fee for the above examination is as follows :-

<i>General & Other Categories</i>	<i>Rs. 700/-</i>
<i>Schedule Castes</i>	<i>Rs. 350/-</i>

The Candidates are required to deposit the fee in the form of Demand Draft in favour of Director Local Government, Punjab. However, the candidates who have already deposited the necessary fee in accordance with this department letters dated 24.12.11 & 26.04.2013 are not required to deposit the same. Candidates are required to mention their earlier Demand Draft Number in the fresh application form.

The following instructions should be kept in view by Head of Office while forwarding the application:-

- 1) Application should be complete in all respects, incomplete application in any aspect will be straightway rejected and applicant will not be permitted to sit in the examination.*
- 2) Mere passing of exams do not entail any right for promotion as an Accountant. The promotion will be considered only as per the rules/conditions laid down in the Accountant Service Rules and any other rules prescribed from time to time.*
- 3) The Application Form/Qualification certificates should be correct in every manner (Performas attached). The relevant Demand Draft should be enclosed with the application form. The Head of Local Body/Office shall be personally responsible for official details filled in by the applicant.*
- 4) No application will be entertained after 31.05.2018.*

Director, Local Govt. Punjab.

Endst. No. Acctt-2-DCFA-DLG-18/19542-561 Dated : - 03.04.2018

Perusal of the communication dated 03.04.2018, would make

it clear that all the candidates desirous of participating in the Accountants examination were to submit application afresh upto 31.05.2018. Furthermore, such candidates who had already deposited the requisite fee prior in point of time had been called upon to mention the earlier demand draft number on the fresh application form. **A categoric caution was sounded in such communication that no application would be entertained after 31.05.2018.**

Apparently, the petitioners have not submitted fresh application forms as per the stipulated time frame contained in the communication dated 03.04.2018 reproduced hereinabove.

At this stage, Mr. A.K. Khunger, learned counsel representing the petitioners has made an attempt to impress upon this Court that the communication in question was perhaps not brought to the notice of the petitioners.

Even such submission is found to be without merit.

Learned State counsel upon instruction from Ms. Neeru Seth, Accountant, Office of Local Government, Punjab, Chandigarh, apprises the Court that insofar as Municipal Councils, Kapurthala, is concerned and where petitioner No.3 is serving, the other Clerks serving in such Municipal Council have submitted their fresh application forms before 31.05.2018. As such there would be no justification for petitioner No.3 to contend that the communication dated 03.04.2018 issued by the Directorate, Department of Local Government, Punjab was not circulated.

The concerned official from the Directorate, who is present in Court, submits that the communication had been sent by post as well as by way of E-mail. Court has further been informed that as many as 143

State of Punjab so as to appear in the Accountants examination. This would in itself reflect that the communication dated 03.04.2018 which had been addressed to all the Executive Officers had been duly circulated and brought to the notice of the employees concerned.

In view of the above, the prayer made by the petitioners for issuance of roll numbers to participate in the forthcoming Accountants examination cannot be entertained as they had concededly not submitted their application forms prior to the last date i.e. 31.05.2018.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

July 12, 2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No