

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

CWP No. 22954 of 2014.

Date of Decision: 18.01.2019.

Surinder Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Raman Sharma, Advocate,
for the petitioners.

Mr. Vikas Mohan Gupta, Addl. AG Punjab.

JITENDRA CHAUHAN.J.

The petitioner seeks deletion of the amendment in the departmental rules through the letters dated 31.07.2007 (Annexure P-7) and 08.08.2007 (Annexure P-8) vide which respondent Nos. 1 & 2 have upgraded the post of Senior Scale Stenographer to that of Personal Assistant and further to grant her time bound promotional scale on completion of 4, 9 and 14 years of service.

It is contended that the petitioner was appointed as Steno Typist on temporary basis on 31.10.1985. Her services were regularised in the year 1986. The service conditions of the petitioner are governed by the Punjab Sainik Welfare (Class-III) Service Rules, 1987 (for short "the Rules"). The petitioner was promoted as Junior Scale Stenographer vide office order dated 02.02.1990 (Annexure P-1) and further as Senior Scale Stenographer vide order dated 08.02.1993

(Annexure P-2). Third Pay Commission and Fourth Pay Commission had recommended to upgrade the post of Senior Scale Stenographer to that of Personal Assistant. The Government of Punjab issued instructions that all Heads of departments shall be provided with posts of Personal Assistant. Since the petitioner was posted with Director, Defence Services Welfare Department, being the Head of the Department, her post ought to have been upgraded to that of Personal Assistant. Punjab Civil Secretariat (State Service Class-III) Rules, 1976 provides that a Senior Scale Stenographer with 5 years' experience is to be promoted as Personal Assistant. The petitioner had completed 5 years experience as Senior Scale Stenographer on 08.02.1998 and had become eligible for promotion as Personal Assistant. She was working with the Head of Department and the only requirement was to pass the formal orders. The recommendations made by the Defence Services Welfare Department were accepted by the Finance Department however, a condition was imposed that the requisite amendment be made in the departmental rules.

It is contended that no such condition in the case of other departments was imposed. It is further contended that the department of the petitioner has drafted the amended rules and forwarded the draft of notification to Principal Secretary, Defence Services Welfare Department but till date no action has been taken. Learned counsel states that at this stage, he will be satisfied in case respondent Nos. 1 & 2 are directed to take final view on the proposal

sent by the Welfare Department expeditiously.

The factual aspect of the matter has not been disputed by the learned State counsel.

In view of above, respondent Nos. 1 & 2 are directed to finalise the proposal sent by the Welfare Department within five months from the date of receipt of certified copy of the order. In case, on consideration, the competent authority reaches to the conclusion that the benefit claimed by the petitioner is admissible to her, in such eventuality, the consequential relief be allowed to her, within a period of six weeks thereafter. However, in case the competent authority feels that the relief claimed by the petitioner is not admissible or made out, in that case, a speaking order be passed in the matter.

18.01.2019.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No