

CWP-22030-2017 (O&M)

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

CWP-22030-2017 (O&M)

Date of Decision: 15th January, 2020

Navjot Singh & another

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. J.P.S. Sidhu, Advocate,
for the petitioner.

Mr. Charanpreet Singh, Asstt. A.G., Punjab.

Mr. Aman Sharma, Advocate
for the applicants.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioners have approached this Court praying that although they being eligible for taking the type test for consideration for promotion to the post of Clerk amongst the Class-IV employees as per the Punjab Animal Husbandry Class-III (Ministerial) Service Rules, 1988, against 10% quota provided, but were not so promoted. This Court passed an interim order dated 26.09.2017, which reads as follows:-

“Counsel submits that both the petitioners are serving as Peons (Class-IV post) under the office of Deputy Director, Animal Husbandry Department, District Mansa.

Under the Punjab Animal Husbandry Class-III (Ministerial) Service Rules, 1988 a 10% quota has been

provided for promotion to the post of Clerk from amongst Class-IV employees subject to fulfilling of certain eligibility conditions.

It is contended that both the petitioners are matriculates with Punjabi and have an experience of serving on a Class-IV post in excess of five years.

The short grievance raised in the petition is that the requisite typing test to be conducted by the Director of the respondent department for Mansa district is slated to be on 26/27.9.2017 and without any justifiable basis the petitioners are not being permitted to participate in such test. It is urged that such action would be violative of Articles 14 and 16 of the Constitution of India as it virtually tantamounts to denying to the petitioners their right for consideration for promotion to a Class-III post.

Notice of motion.

On the asking of the Court, Mr. Avinit Avasthi, learned A.A.G., Punjab accepts notice on behalf of respondents-State. Requisite copies of the writ paper book be furnished to learned State counsel during the course of the day.

List on 2.11.2017.

As an interim measure, it is directed that the petitioners be permitted to appear in the type test relating to the subordinate offices of the respondent department for Mansa district on 26/27.9.2017. The participation of the petitioners would be purely on provisional basis and their result shall not be declared without the leave of this Court. It is further clarified that by virtue of such interim direction, no equitable right shall come to vest in favour of the petitioners.

A copy of this order be furnished to learned counsel for the parties under the signatures of Bench Secretary.”

In pursuance to the above order, respondents have filed reply, wherein the factum of eligibility of the petitioners to take the type test has not been disputed. The type test of the petitioners and other similarly placed employees has also been taken place but the result has been kept in a sealed cover and not declared purported to be kept in the light of the interim order passed by this Court.

In view of the above factual position, when the petitioners have been found to be eligible for taking type test, the present petition is disposed of with a direction to the respondents to declare the result of the type test within a period of one week from today. In case the petitioners have passed the type test, their claim be considered along with others for promotion as per the statutory rules and appropriate orders passed.

All the pending miscellaneous applications also stand disposed of in above terms.

15th January, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No