

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

CWP-12188-2017 (O&M)

Date of decision: September 01, 2022

Sukhvir Singh

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Narender Pal Bhardwaj, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

Mr. Gurinder Pal Singh, Advocate for respondents No.5 to 7.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing official respondents for giving deemed date/ notional promotion as Assistant Revenue Clerk w.e.f. 31.05.1991 under Old Rules i.e. The Punjab Public Works Department (Irrigation Branch) Revenue Clerk's State Service Class-III Rules, 1956 by considering the then district level seniority at par with benefits given to private-respondent No.4, who had already been given notional promotion after considering seniority at district level.

2. In the return dated 10.06.2020 filed on behalf of respondents No.1 to 3, following stand has been taken in Para-5, which is reproduced as below:-

“5. *That the private respondents were promoted strictly in accordance with the service rules mentioned above. As far as the promotions of private respondents to the post of Zileedars without undergoing the mandatory civil training of Kanungo is concerned, the services of Zileedars were governed by the Punjab Public Works Department (Irrigation Branch) Zileedars State Service Class-III, Rules 1955 (Annexure P-3). As per Rule 10(d) of the said rules, the petitioners were*

required to undergo training and to pass departmental exams prior to their appointment as Ziledars. The Rule 10(d) of the Punjab Public Works Department (Irrigation Branch) Ziledars State Service Class-III, Rules 1955 is reproduced as under:-

Rule 10(d):- The selected candidates will be required to undergo the training specified in Appendix B and on passing the departmental examination and tests prescribed therein will be appointed as Ziledars on probation as and when posts become available.

In view of the above Rule 10(d) of said rules, private respondents on their promotion on the post of Ziledar, were also required to undergo the civil training under Kanungo and after completion of the said training, the private respondents were required to appear in the departmental Examinations but inadvertently, the private respondents appeared in the departmental Examinations and have passed the departmental exams without undergoing the civil training under Kanungo.”

3. No replication and/ or affidavit has been filed, therefore, the defense taken, as above, remains uncontroverted. Qua the aforesaid stand, I do not find any irregularity. Same is inconsonance with the applicable service Rules.
4. No grounds for interference are made out.
5. Dismissed. That apart, petitioner has rendered full length of service and has superannuated and has no interest left, in any case, to assail the benefits accorded to the private-respondents including promotions.
6. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

September 01, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No