

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.18804 of 2014 (O&M)

Reserved on:22.11.2022

Date of Decision:05.12.2022

Anmol Chopra and others

...Petitioners

Vs

State of Punjab and another

...Respondents

2. CWP No.23012 of 2014

Kiran Verma and another

...Petitioners

Vs

State of Punjab and another

...Respondents

3. CWP No.23033 of 2014

Santosh Kumari

...Petitioner

Vs

State of Punjab and another

...Respondents

4. CWP No.23038 of 2014

Rohit Mehra and others

...Petitioners

Vs

State of Punjab and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Naveen Bawa, Advocate
for the petitioners in CWP No.18804 of 2014.

Mr. Jaideep Verma, Advocate
for the petitioners in CWP No.23012 of 2014.

Mr. Kapil Kakkar, Advocate
for the petitioner in CWP No.23033 of 2014.

Mr. Ashish Aggarwal, Advocate
for the petitioners in CWP No.23038 of 2014.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

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JAISHREE THAKUR J.

1. All four writ petitions i.e. CWP Nos.18804, 23012, 23033 and 23038 of 2014 are being disposed of by this common order, as the issue to be considered is identical in all writ petitions. Petitioners herein seek issuance of a writ in the nature of mandamus, directing the respondents to consider petitioners for recruitment to the posts of Head Draftsman against Advertisement No.DLG/RC/2014/1 (Annexure P-2) in Municipal Corporation, all of them being in merit.

2. In brief, the facts are that petitioners herein applied for 15 posts of Head Draftsman against Advertisement No.DLG/RC/2014/1 in different Municipal Corporations for which qualification/experience was Diploma in Civil Engineering or Certificate in Civil Draftsman awarded by the State Board of Technical Education, Punjab or from any recognized institution, with an experience for a minimum period of five years in a Municipal Committee or Department of the Government as Draftsman. Out of 15 posts, 7 posts were for General Category, 5 posts were for SC Category and 2 posts were reserved for Physically Handicapped candidates. Details of petitioners in each writ petition qua their qualifications, experience, if any, and categories in which they applied etc. are tabulated herein below:-

CWP No.18804 of 2014			
Name	Category	Qualification	Experience, if any as Draftsman
Anmol Chopra	General	Diploma in Civil Engineering with Honours	Nil
Gurwinder Singh	SC	Diploma in Civil Engineering	Nil
Charan Singh	SC	Diploma in Civil Engineering	Nil
Harjeet Singh	SC	Diploma in Civil Engineering	Nil
Ankur Gagneja	General	Diploma in Civil Engineering	Nil
CWP No.23012 of 2014			
Kiran Verma	General	Architectural Assistantship	Architect with Pvt. Builder, UCO Bank
Mandeep Kaur	General	Architectural Assistantship	Registered with Ludhiana

			Improvement Trust as Surveyor
CWP No.23033 of 2014			
Santosh Kumari	Physically Handicapped	Architectural Assistantship	Draftsman licensee of Municipal Council, Garhdiwala since 2002
CWP No.23038 of 2014			
Rohit Mehra	General	Diploma in Civil Engineering B.Tech in Civil Engineering	Nil
Arun Verma	General	Diploma in Civil Engineering B.Tech in Civil Engineering	Nil
Dheeraj Kumar	SC	Diploma in Civil Engineering	Nil

3. All the above petitioners appeared for interview and though being in merit, their candidature was rejected at the time of scrutiny of documents on the ground that they did not have five years' experience as Draftsman in Municipal Committee or any department of government. Hence, these writ petitions.

4. Learned counsel appearing for the petitioners would submit that the candidates, who have Diploma in Civil Engineering, need not to have experience for a minimum period of five years in a Municipal Committee or Department of the Government as Draftsman. It is only those candidates, who have Certificate in Civil Draftsman awarded by the State Board of Technical Education, Punjab or from any other recognized institution, that they are required to fulfil the condition of minimum five years' experience in a Municipal Committee or Department of the Government as Draftsman.

5. Apart from aforesaid contention, learned counsel appearing for the petitioners in CWP No.23012 of 2014 would contend that petitioner No.1 has worked in the office of Senior Architect (North), Department of Architecture, Punjab, Patiala w.e.f. 31.12.1999 to 30.12.2000, in UCO Bank from 01.04.2004 to 31.03.2006, in the office of Prativa Enterprises, Contractor, MES, Ministry of Defense, Government of India as an Architect w.e.f.

01.05.2006 to 31.12.2011 and also remained a licence holder in Architect/Draftsman from Municipal Corporation, Rupnagar from 13.06.2012 to 31.03.2013 and further worked for M/s Dilbag Constructions Company as Architect w.e.f. January, 2013 till date. Petitioner No.2 in the said writ petition served Punjab Agriculture University on the post of Architect w.e.f. 01.11.2012 to 30.11.2013, 30.12.2013 to 29.01.2014, 17.02.2014 to 28.02.2014, 24.03.2014 to 11.04.2014 and also registered with Ludhiana Improvement Trust as registered surveyor from 2001 to 2006 as B-Class Architect and 2006 onwards as A-Class Architect. It is, therefore, contended that petitioners in said writ petitions have requisite experience and therefore, they ought to have been offered appointment on the post of Head Draftsman.

6. Learned counsel appearing for the petitioner in CWP No.23033 of 2014 would contend that the petitioner has 13 years experience as she is a Draftsman licencee of the Municipal Council, Garhdiwala since 2002 and therefore, rejection of her candidature for the post of Head Draftsman on the ground that she is not having five years experience as Draftsman in Municipal Committee or any department of the government is not justified.

7. Per contra, learned counsel appearing on behalf of the respondent-State would submit that recruitment and conditions of Head Draftsman are governed under the Punjab Municipal Corporation Services (Recruitment & Conditions of Service) Rules, 1978; the Punjab Municipal Service (Recruitment & Conditions of Service) Rules, 1975 and the Punjab Improvement Trust Services (Recruitment & Conditions of Service) Rules, 1978 and for direct recruitment apart from a Diploma in Civil Engineering or Certificate in Civil Draftsman, an experience for a minimum period of five years in a Municipal Committee or Department of the Government as Draftsman is essential

qualification. It is further contended that the experience for a minimum period of five years is mandatory for both the candidates either they are Diploma Holders in Civil Engineering or having a Certificate in Civil Draftsman. It cannot be read in isolation to contend that only candidates, who have Certificate in Civil Draftsman, are required to fulfil the requirement of experience for a minimum period of three years. Petitioner No.1 in CWP No.23012 of 2014 has placed on record various experience certificates, which reveal that she had worked at two different places for the same period and therefore, said certificates cannot be relied upon whereas petitioner No.2 is registered with Ludhiana Improvement Trust as Surveyor, which does not tantamount that she was on the roll of Ludhiana Improvement Trust as its employee. Similarly, in CWP No.23033 of 2014, petitioner has worked for a private firm as Draftsman from 1995 to 2002 and remained a licensee in Architect/Draftsman of Municipal Council, Gardiwala and therefore, cannot be said to be an employee of Municipal Council as she drafted maps/documents for the public, which were submitted to the Municipal Council for approval. It is contended that candidature of the petitioners in the absence of requisite experience of five years for the post of Head Draftsman has rightly been rejected.

8. I have heard learned counsel for the parties and have perused the paper book.

9. The argument, raised by counsel appearing for the petitioners in all writ petitions, that only candidates, who have Certificate in Civil Draftsman awarded by the State Board of Technical Education Punjab or from any other recognized institution, are required to fulfil the requirement of an experience for a minimum period of five years in a Municipal Committee or Department

of the Government as Draftsman and not the candidates, who are Diploma Holder in Civil Engineering, is wholly fallacious. The qualification for the post of Head Draftsman in Municipal Corporations as enumerated in the advertisement is reproduced as under:-

*“Diploma in Civil Engineering **or** Certificate in Civil Draftsman awarded by the State of Board of Technical Education Punjab or from any recognized institution with an experience for a minimum period of five yours in a Municipal Committee or Department of the Government as Draftsman.”*

10. By no stretch of imagination, the word ‘or’ can be read to give a meaning that only the Certificate holders in Civil Draftsman are required to have experience of five years as Draftsman in a Municipal Committee or government department and not the candidates, who have Diploma in Civil Engineering. Rather, it connotes that both the candidates who have either Diploma in Civil Engineering or Certificate in Civil Draftsman are eligible to apply for the post in question, however, they also ought to have mandatorily an experience of five years as Draftsman in a Municipal Committee or government department.

11. As regards other contentions as raised in Civil Writ Petition Nos.23012 and 23022 of 2014, experience certificates of petitioners in both the writ petitions, do not show that they have five years experience as Draftsman in a Municipal Committee or any department of government. Either they worked for private companies/firms or if worked for a government organization, the experience is not of five years. By being a licensee or surveyor with a Municipal Council/Improvement Trust, petitioners cannot claim that they worked as employee of the said Municipal Council/Improvement Trust. The

experience certificate qua Santosh Kumari shows that she was a licensee in Architect/Draftsmanship of Municipal Council, Garhdiwala and that office received maps/documents drafted by her through the public, meaning thereby, she worked privately of her own and drafted maps/documents for the public, which were submitted in the Municipal Council for approval.

12. In view of the aforesaid facts and circumstances, when this court is satisfied that none of the petitioners have been able to establish that they have the necessary experience as stipulated for direct recruitment as Head Draftsman under the Punjab Trust Services (Recruitment and Conditions of Service) Rules, 1978, there is no ground to interfere. Consequently, all writ petitions stand dismissed.

(JAISHREE THAKUR)
JUDGE

December 05, 2022

Pankaj*

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