

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

**CWP-23908-2019 (O&M)
Date of Decision: 18.10.2022**

VIJAY KUMAR AND OTHERS Petitioners
Versus
STATE OF PUNJAB AND OTHERS Respondents

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Mr. Vishal Aggarwal, Advocate for the petitioners.

Mr. Rohit Ahuja, DAG, Punjab.

G.S.SANDHAWALIA, J. (Oral)
CM-16045-CWP-2022

Application for placing on record Annexures P-31 to P-41 on behalf of the petitioners, is allowed.

CM stands disposed of.

CWP-23908-2019

Argument has been raised that the petitioners who belong to the Irrigation Department now Water Resources are working as Work Munshies, seeking promotion to the post of Junior Engineers by virtue of order dated 17.05.2012 passed in Civil Writ Petition No.2947 of 2012 (Annexure P-7) where direction had been issued to the respondents to take a final decision on the representation and to pass a speaking order regarding the said benefit. The said representation was rejected on 27.08.2012 (Annexure P-8) by the Chief Engineer (Drainage), Irrigation Works, Punjab that they could not be included in the rules for promotion as Junior Engineers.

Challenge was raised to the said decision, which was set aside on 01.08.2013 (Annexure P-15) in CWP No.14425 of 2012 'Ashok Kumar Vs. State of Punjab and others' by the Division Bench of this Court with a direction

to the respondents to undertake a fresh exercise by constituting a committee of senior engineer in the rank of Superintendent Engineer or above from different Departments who after analyzing the work would suggest whether or not such posts can be classified as technical post and if not, provide some alternative promotional avenues.

It is submitted that as per report dated 15.03.2013 (Annexure P-24) which has now been received which is adverse as such to the petitioners it has been held that the duty of work munshi is not of technical nature.

Learned counsel for the petitioners has referred various rules of the Department of Water Supply and Sanitation and Department of Public Works to submit that there is 6% reservation provided for Work Munshies alongwith other categories for considering them for promotion to the post of Junior Engineer. In pursuance to the report various orders have been passed in case of the petitioners adversely. However, neither appointment orders nor qualification of the petitioners is on the record to consider whether the petitioners have any technical qualification and whether they have earned promotion on an earlier occasion or not.

In such circumstances, counsel for the petitioners submits that he be given liberty to file a composite petition by making necessary averments and attaching documents in support of the case.

Accordingly, present writ petition is dismissed as withdrawn with the aforesaid liberty.

(G.S.SANDHAWALIA)
JUDGE

(JAGMOHAN BANSAL)
JUDGE

18.10.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>