

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

**232**

**CM-3353-2022 IN/AND CWP-9873-2018 (O&M)**

**DATE OF DECISION: 11.07.2022**

**ANKUSH BHATTI**

**... Petitioner(s)**

***Versus***

**STATE OF PUNJAB AND ORS.**

**... Respondent(s)**

**CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present: Ms. Saguna Arora, Advocate for  
Mr. R.K. Arora, Advocate for the applicant-petitioner.

Ms. Kanica Sachdeva, AAG, Punjab.

Mr. Tarun Seth, Advocate for  
Mr. Sumit Jain, Advocate for respondents No.2 and 3.

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**ANUPINDER SINGH GREWAL, J. (ORAL)**

This application is for disposing of the main petition in the light of instructions dated 12.09.2019 (Annexure P-24).

Learned counsel for the applicant-petitioner contends that the applicant-petitioner, who is working as Sweeper in the Municipal Corporation, had been promoted as Clerk on 20.12.2016. She further contends that the petitioner belongs to Scheduled Caste (Balmiki) category. He was sought to be reverted by the order dated 23.01.2018 on the ground that the government did not approve of the promotion. It was clarified by the respondents that Sweepers are not entitled for promotion to the post of Clerk. She, however, submits that the government had issued Instructions dated 23.01.2018 (Annexure P-18) which provide that those working on the post of Sweepers can be considered for promotion to the post of Clerk. She also submits that the petitioner would be entitled for promotion to the post of Clerk in view of these instructions. These instructions have

been accepted by respondent No.3 by the order dated 20.10.2020 (Annexure P-25).

Heard.

The coordinate Bench of this Court by the order dated 23.04.2018 had stayed the operation of the impugned order dated 23.01.2018 (Annexure P-18). The petitioner is continuing as Clerk till date. The only impediment against the petitioner's promotion was that there was no channel of promotion from the post of Sweeper to the post of Clerk. This anomaly has been removed by the Instructions issued by the respondents.

Consequently, the application (CM-3353-2022) is allowed and the main petition is disposed of with a direction to the respondents to consider the case of the petitioner for promotion to the post of Clerk in the light of the Instructions dated 12.09.2019. Till the decision is taken by the respondents, the petitioner would be allowed to continue on the post of Clerk.

Civil miscellaneous application(s), if any also stands disposed of.

**(ANUPINDER SINGH GREWAL)**  
**JUDGE**

**11.07.2022**

*SwarnjitS*

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No