

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 748 of 2023

Date of Decision: 16.01.2023

Balbir Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ram Kumar Chauhan, Advocate
for the petitioner(s).

Mr. Maninder Singh, Deputy Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. The petitioner prays for issuance of a writ in the nature of certiorari to quash the order dated 17.08.2022 which was passed pursuant to the directions of the Court in a previous writ petition filed by him.

2. The relevant facts, in brief, are required to be noticed. The petitioner was appointed as Beldar on 14.08.1980. Subsequently, he was promoted to the post of Road Inspector on 03.01.2005. Thereafter, he was promoted to the post of Junior Engineer w.e.f. 29.06.2017 subject to the condition that he will have to clear the departmental examination. The petitioner made an attempt, however, failed to clear the test. The petitioner retired from service on 30.04.2019. The petitioner claims that since post his attaining the age of superannuation, he had cleared the test, therefore, three increments which were withheld on that ground should be paid to him.

that the petitioner was required to clear the departmental examination within a period of two years and six months from the date of promotion. Clause (2) of the promotion order reads as under:-

“2. As per Punjab, Public Works Department, B&R Branch, Junior Engineer (Class-III) Service Rules, 1993 under Rule 10, the employee will have to pass the departmental examination within the period of two years and 6 months from the date of promotion. In case of not passing departmental exam within stipulated period, you shall be reverted back.”

4. There is also no dispute that the petitioner failed to clear the departmental examination. As per the stipulation, the petitioner was liable to be reverted back, although, he was never reverted. In these circumstances, the department has already taken a lenient view.

5. Keeping in view the aforesaid facts, no ground is made out to issue the writ. Hence, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

January 16, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No