

395 (4 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

1. CWP-4623-1997 (O&M)  
Ram Sarup and others . . . . Petitioners

Vs.  
State of Punjab and others . . . . Respondents  
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2. CWP-6836-1997 (O&M)  
Arun Kumar and others . . . . Petitioners

Vs.  
State of Punjab and others . . . . Respondents  
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3. CWP-2542-1999 (O&M)  
Kamal Inder Singh and others . . . . Petitioners

Vs.  
State of Punjab and others . . . . Respondents  
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4. CWP-3395-1999 (O&M)  
Bakhshish Singh and others . . . . Petitioners

Vs.  
State of Punjab and others . . . . Respondents  
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Date of Decision: 21.08.2023

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CORAM: HON’BLE MR. JUSTICE SANJEEV PRAKASH SHARMA  
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Present      None for the petitioners.  
  
Mr. Vishnav Gandhi, DAG, Punjab.

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**SANJEEV PRAKASH SHARMA, J.(Oral)**

1. By way of present petitions, the petitioners are praying for directing the respondents to allow the petitioners to appear in the departmental examination for the post of Kanungo.
2. The ancillary question to the above prayer arose before the Division Bench in relation to Rule 19 of the Punjab Kanungo Service (State Service Class III) Rules, 1976 (for short 'the 1976 Rules').
3. The question arose before the Division Bench whether the Financial Commissioner while exercising powers under Rule 19 of the 1976 Rules, relaxed the provisions of the Rules and dispensed with the requirement of qualifying the departmental examination as prescribed under Rule 8(2) of the 1976 Rules.
4. The LPA no.394 of 1995 titled as *Harinder Singh and others vs. Amrik Singh and others* and other connected LPAs were decided by the Division Bench vide judgment dt.30.10.2001 and it was held that the decision was arbitrary and the Financial Commissioner (Revenue) could not have dispensed with the requirement of passing the departmental examination and upheld the order passed by the Single Judge directing the respondents to confine the relief to the vacancy which had been filled up after filing of the first writ petition on 23.05.1994.
5. The Division Bench also observed as under:

*“In our opinion, the direction given by the learned Single Judge was most equitable and just and there is no valid ground to interfere with the same. In this context, we may also take notice of the statement made by the learned Advocate General that during the pendency of the*

*Letters Patent Appeals, the departmental examination had been conducted and ten out of more than 250 candidates, who had passed the same, were given promotion in terms of Rule 8(2) read with Rule 9 of the Rules.”*

- 6. Keeping in view above, the present Writ Petitions have been rendered infructuous as the departmental examination has already been conducted.
- 7. Disposed of accordingly.
- 8. Pending application(s), if any, also stands disposed of accordingly.

(SANJEEV PRAKASH SHARMA)  
JUDGE

August 21, 2023  
Mohit goyal

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|-------------------------------|--------|
| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable?        | Yes/No |