

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

RSA No.469 of 1992(O&M)

Date of Order:03.11.2023

Sub Divisional Officer and others

.Appellants

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Vidushi Kumar, Advocate
for the appellants.

Mr. Vikas Arora, AAG, Punjab

ANIL KSHETARPAL, J

1. The correctness of the judgment passed by the First Appellate Court is assailed by the plaintiffs in this regular second appeal.

2. The Sub Divisional Officers (SDEs) pray for counting of their service for the purpose of promotion to Class-I service at par with the cadre of the Temporary Engineers. They claim that the officials posted as the Sub Divisional Officers and Temporary Engineers are performing the same duties and therefore their entire service is required to be counted for the purpose of promotion.

3. The services of the employees in the department are governed by the Punjab Service of Engineers, Class II (Irrigation Branch) Rules, 1941 (hereinafter referred to as 'the 1941 Rules'). One of the co-employee of the plaintiffs challenged the validity of the 1941 Rules. The Division Bench in **Sharanjit Singh vs. The State of Punjab and others, 1991(1) RSJ, 393** held

that the rules are constitutionally valid. Moreover, the minimum qualification for the post of Sub Divisional Officers and Temporary

Engineers is different. Additionally, the plaintiffs have already retired from the said posts. The jural relationship between the plaintiffs and the State has come to an end.

4. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.
5. Dismissed.
6. All the pending miscellaneous applications, if any, are also disposed of.

November 03, 2023

(ANIL KSHETARPAL)

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JUDGE

Whether speaking/reasoned

Whether reportable

:YES/NO

:YES/NO