

398 (3cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-5255-1997 (O&M)

Date of Decision: 10.10.2023

NARINDER SHARMA AND OTHERS

.....Petitioners

V/s.

STATE OF PUNJAB AND OTHERS

.....Respondents

CWP-6178-1997 (O&M)

SOM RAJ AND OTHERS

.....Petitioners

V/s.

STATE OF PUNJAB AND OTHERS

.....Respondents

CWP-2076-1997 (O&M)

BALJIT KAUR AND OTHERS

.....Petitioners

V/s.

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: None for the petitioner.

Mr. D.K. Singal, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. This order shall dispose of three connected Writ Petitions as the issue involved in all the three Writ Petitions is common.

2. No one has put in appearance on behalf of the petitioners.

3. These Writ Petition is of the year 1997 and therefore, this Court heard the learned State counsel, who informed this Court that there is an interim order passed in this case restraining the respondents to revert the petitioners from the post of Sub Divisional Clerk. Learned State counsel

submits that only the charge of the Sub Divisional Clerk was handed over to the petitioners, and therefore, an order was passed on 23.12.1996.

4. Counsel for the petitioner submits that the order was passed only to rotate the Sub Divisional Clerks as it was noticed that the Sub Divisional Clerks were not ready to be posted as Senior Clerks which is a higher post, nor they were ready to appear and pass the Assistant Grade Examination. The post of Clerk and Senior Clerk were designated amongst the Clerks in the ratio of 50:50. The Senior Clerks were ordered to be posted/promoted as Sub Divisional Clerks. Consequently, the Government bifurcated the cadre of Clerks into Junior Assistant, Senior Clerk and Clerk. Several of the Senior Clerks, who had been promoted as Sub Divisional Clerk on the basis of the seniority, have shown their hesitation in joining on a higher post of Senior Assistant, which results in blocking the further promotion of the Clerks who are junior but of the same cadre.

5. In view of the same, the Government has decided to direct that the Sub Divisional Clerks shall not be allowed to remain at one Sub Division for more than three years, and who have spent more than 10 years, should be posted in the Divisional/Circle Office and other employees would be further promoted as Sub Divisional Clerks. Thus, learned State counsel submits that there is no case of reversion. The Government has done this exercise only with a view to give benefit to other Clerks, whose promotion was being blocked on account of persons who have already been posted as Sub Divisional Clerk. It is an exercise to check on monopolizing these posts.

CWP-5255-1997 (O&M), CWP-6178-1997 (O&M)
and CWP-2076-1997 (O&M)

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6. Having heard learned State counsel, this Court is of the view that no one should be allowed to act in a manner resulting in stagnation of any post. The decision of the respondents is only in connection with the concerned Sub Divisional Clerk, who did not opt for further promotion to the post of Senior Assistants, nor participated in the Annual Grade Examination. However, now the requirement of passing the Annual Grade Examination has been done away with.

7. In the circumstances, respondents would be free to act upon the decision only with relation to those Sub Divisional Clerks who refused for the promotion and not to be applied generally on all. Thus, the criteria of ten years service as Sub Divisional Clerks can be applicable to only such Sub Divisional Clerks, who have refused further promotions, but not as a general Rule.

8. The Writ Petition is pending since long, and presently, the interim order passed in favour of the petitioners does not require any interference. Thus, the same is made absolute so far as it relates to the petitioners.

9. All the three Writ Petitions are **disposed of** in the aforesaid terms.

10. All the pending applications in this Writ Petition stand disposed of accordingly.

October 10, 2023
Ess Kay

[SANJEEV PRAKASH SHARMA]
JUDGE

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