

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP No.16781-2023
DECIDED ON: 04.08.2023

Paramjit Kaur and others

.....Petitioners

VERSUS

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr.H.S.Saini, Advocate, for the petitioners.

Mr. Paramjit Batta, Addl. A.G.Punjab.

SANJEEV PRAKASH SHARMA, J (ORAL)

1. The petitioners, by way of this petition, challenge the condition laid down in the orders dated 03.11.2020 (Annexure P-7), dated 22.12.2020 (Annexure P-8), 07.12.2021 (Annexure P-9) and dated 06.01.2022 (Annexure P-10), whereby the petitioners have been stated to be promoted to the post of Supervisors from the Post of Anganwadi Workers.

2. Learned counsel has taken this Court to the provisions of the Punjab Civil Services (General and Common Conditions of Services), Rules 1994 (hereinafter referred to 'Rules of 1994') and Rule 7 of the Rules of 1994 to submit that the probation period for promotion is only one year whereas probation period for direct recruitment has been amended to three years instead of two years.

3. Learned counsel submits that the Personal Department letter dated 31.08.2017 (Annexure P-5), which has been relied upon by laying down

the condition of promotion, only is with reference to direct recruitment and not with reference to the promotion.

4. I have considered the submissions.

5. The question arises whether the Anganwadi Workers are treated to have been promoted as Supervisors or whether they have been appointed on the post of Supervisors.

6. A look at the Public Notice dated 21.09.2016 (Annexure P-6) placed on record by the petitioners reflects that the notice was issued for Selection of 101 Supervisors from amongst the Angandwadi Workers. The posts were to be filled on merit basis and it is nowhere mentioned that it is a promotional post. From the language of the order of appointment of the petitioners also reflects that they are appointed on the post of Supervisors and are not promoted. Merely mentioning that the appointment is on the basis of seniority-cum-merit would not change the nature of appointment from direct recruitment or promotion. It is also noticed that there is no channel available under the Rules for making promotion to the post of Supervisors from Anganwadi Workers and therefore, condition laid down in the Appointment Order which also mentions that the appointment is against the temporary post which is liable to be abolished any time and there is no contract of permanent employment reflects that it is not a promotional post as promotion is always given on a substantive post and not on temporary post. The appointment having been given as a fresh appointee has to be necessarily for a period of probation as provided under Rule 7 of the Rules of 1994 for direct recruitment and the contention of the petitioners is found to be wholly misconceived and accordingly, dismissed.

7. The counsel for the petitioners has also made another prayer which is totally distinct from the present prayer.
8. Two prayers of different cause of action cannot be taken up in a single writ petition. The petition is, therefore, dismissed.

04.08.2023
mamta

(SANJEEV PRAKASH SHARMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No