

2023:PHHC:038843

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

CWP-12416-2016 (O&M)
Date of decision: 15.03.2023

Gurmeet Singh and others

....Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. H.P.S.Ishar, Advocate for the petitioners

Mr. D.K.Singal, Addl. AG, Punjab

Mr. Vivek Sharma, Advocate for respondent
no. 3 to 14, 17, 18 & 22

ANIL KSHETARPAL, J (Oral)

1. The petitioners are working as the Laboratory Assistants. Initially, they were appointed on the Class IV posts and thereafter, they were promoted as the Lab Assistants. They pray for the issuance of a writ in the nature of Certiorari to quash the promotion order passed on 17.11.2014. They also pray for issuance of a writ in the nature of Mandamus to finalize the proposed amendment in the rules.

2. Learned counsel representing the petitioners very fairly admits that the Lab Assistants do not have any avenue of promotion to the post of Work Inspector as per applicable service Rules. However, he submits that there is a proposal for amendment in the rules, which is pending with the Government for quite sometime.

3. Vide affidavit dated 16.01.2023, the Deputy Director, Department of Technical Education and Industrial Training, Punjab, has informed the Court that a Committee, constituted to consider all these

aspects, has already submitted a report on 18.04.2022, which also does not recommend the provision of any avenue of promotion of the Lab Assistants to the post of Work Inspectors.

4. The petitioners have already availed one promotion from Class IV post to the post of Lab Assistants. In the absence of the service rules, no direction to promote them, can be issued by the Court. However, the respondents-State is directed to take a final decision on the report of the Committee, within a period of 2 months, from today, positively.

5. Disposed of.

6. All the pending miscellaneous applications, if any, are also disposed of.

15.03.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE