

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

CWP-213-2012 (O&M)

Date of decision: 09.02.2023

Nirpal Singh

....Petitioner

Versus

Principal Secretary, Punjab Govt., PWD (B&R) Branch and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Rana Partap Singh Gill, Advocate for the petitioner

Mr. Gurpreet Singh, Addl. AG, Punjab

ANIL KSHETARPAL, J (Oral)

The petitioner prays for issuance of a writ in the nature of Certiorari to quash the order dated 05.10.2011 passed by the Principal Secretary, Government of Punjab, PWD (B&R) Branch, pursuant to the directions of the Court in the previous writ petition. In essence, the petitioner prays for direction to the respondents to promote him from the post of Kanungo to Naib Tehsildar. The petitioner claims that a large number of similarly situated Kanungos have been promoted as the Naib Tehsildars.

On the other hand, the learned State counsel has submitted that previously the Department had adopted the Punjab Naib Tehsildar Service Rules, 1984 under which there was a channel of promotion for a Kanungo to the post of Naib Tehsildar. However, in 1998, the posts of Kanungos were upgraded to Group B as per the recommendations of the then Pay Commission. Hence, from 1998, the Rules of 1984 were not applicable to the said posts. It has also been submitted that as per the

Punjab Public Works Department (Group B) Service Rules, 2017, a provision validates promotion of Kanungo to the post of Naib Tehsildar, has been made, but there was no vacancy at the relevant period. The petitioner is stated to have voluntarily retired w.e.f 01.08.2018.

In view of the aforesaid facts, this Court does not find it appropriate to exercise its extraordinary writ jurisdiction.

Hence, disposed of.

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

09.02.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE