

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

208

CWP-16189-2014

Date of decision: 10.01.2023

RAJIV AWASTHI

..Petitioner

Versus

STATE OF PUNJAB & ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. D.S. Patwalia, Sr. Advocate
with Mr. Kannan Malik, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G. Punjab.

ANIL KSHETARPAL, J(Oral)

The prayer is to issue a writ of certiorari to quash the order dated 03.07.2014. The petitioner's representation has been rejected by the concerned Authority.

In substance, the petitioner claims that he is entitled to be considered for promotion as a Senior Scale Stenographer w.e.f. 10.05.2013, the day his juniors were promoted to the said post. The official respondent contested the petition on the ground that the petitioner failed in the *Punjabi* Shorthand test held in the year 2011. However, it is admitted that the petitioner cleared the test conducted on 12.10.2012. It is important to note that private respondents also could not clear the test.

It is evident that as many as six Junior Scale Stenographers were temporarily promoted as the Senior Scale Stenographers and were posted against the post of Personal Assistant. Thereafter, the aforesaid persons were regularly promoted on 07.06.2013 w.e.f. 10.05.2013. However, the petitioner's claim, who is admittedly a senior to the private respondents

respondents that on 07.06.2013 or 06.05.2013, the petitioner was not eligible.

Once the petitioner was senior than the other promoted candidates and eligible, there was no apparent reason to ignore the claim of the petitioner.

Keeping in view the aforesaid facts, the writ petition is allowed. The order dated 03.07.2014 is set aside. The respondents are directed to consider the case of the petitioner for the promotion to the post of Senior Scale Stenographer w.e.f. 10.05.2013, within a period of one month, from today, positively.

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

January 10th, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*