

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

CWP-20256-2014 (O&M)

Date of decision: 30.01.2023

Ranbir Singh Randhawa and others

....Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. R.S. Bajaj, Advocate for the petitioners

Mr. R.S.Pandher, Sr.DAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. On 27.01.2023, the following order was passed:-

“Heard the learned counsels representing the parties at length.

The learned counsel representing the petitioners submits that before enforcement of the Punjab Agriculture (Group-A) Service Rules, 2013, the incumbents working on the post of Agriculture Inspectors (Implement) were entitled to promotion as Assistant Agriculture Engineers (Implement). He draws the attention of the Court to the Punjab Agriculture Service (Class-II) Service Rules, 1974 (hereinafter referred to as 'the 1974 Rules). On perusal of the 1974 Rules, it is evident that these Rules do not deal with the incumbents working as Agriculture Inspectors (Implement).

The learned counsel representing the State of Punjab has submitted that the post of Agriculture Inspectors (Implement) is, in fact, a Class-III post. Moreover, the petitioners were promoted as Assistant Agriculture Engineer (Grade-II) in the year 2006-07, whereas this writ petition has been filed in the year 2013.

The learned counsel representing the petitioners contends that the petitioners were making representations.

Keeping in view the aforesaid facts, the parties are directed to produce the service rules, if any, governing the service conditions of the Agriculture Inspectors (Implement) with the hierarchy

of promotional posts.

Adjourned to 30.01.2023.

To be listed in the urgent list.

*No further request for an adjournment,
written or oral, shall be entertained.”*

2. Learned State counsel has produced memo no.10(14) 78-Agr.I(II)/15576 dated 28.09.1979, governing the mode of recruitment of Junior Agriculture Engineers in the absence of Rules framed by the Government. It is provided in the aforesaid memo that the Agriculture Inspector (Implement) shall be entitled to be considered for promotion as a Junior Agriculture Engineer. It has been stated that subsequently the post of Junior Agriculture Engineer was redesignated as Assistant Agriculture Engineer Grade II.

3. Learned counsel representing the petitioners once again while referring to the 1974 Rules submits that post of Assistant Agriculture Engineer (Implement) is required to be filled up by promotion from the subordinate services. Therefore, he submits that the Agriculture Inspector (Implement) is entitled to be promoted as an Assistant Agriculture Engineers (Implement).

4. This Court has considered the submission of the learned counsel representing the petitioner. It is well settled that in the absence of the Rules, the Government is entitled to issue instructions. It is also evident that 1974 Rules do not deal with incumbents working as the Agriculture Inspector (Implement). In these circumstances, the argument of the learned counsel representing the petitioners that the subordinate service would include the Agriculture Inspectors is far fetched. Once in the year 1979, there was a channel of promotion from the post of

Agriculture Inspector (Implement) to the post of Junior Agriculture Engineer, which subsequently came to be re-designated as Assistant Engineer Grade II, the argument of the learned counsel has no substance.

5. In view of the aforesaid discussion, no ground to issue the writ, as prayed for, is made out.

6. Hence, dismissed.

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

30.01.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE