

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

CWP-25164-2018

Date of decision : 02.05.2023

Mohinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Balbir S. Jaswal, Advocate
for the petitioner.

Mr. Inderpreet S. Kang, Asstt. Advocate General, Punjab.

Mr. Aakash, Advocate
for respondent No.3-M.C., Amritsar.

PANKAJ JAIN, J. (ORAL)

Present writ petition has been filed under Article 226/227 of the Constitution of India, whereby the petitioner claims promotion to the post of Senior Scale Stenographer from April 2012.

2. The reason for not considering such claim of the petitioner has been spelled out in Paras 3 & 4 of the preliminary submissions raised in reply by way of affidavit of Rakesh Kumar, Joint Director, Local Government Punjab filed on behalf of respondents No.1 and 2, which reads as under :

“3. That the post of Senior Scale Stenographer is filled as per the provisions of the Punjab Municipal Corporation Services (Recruitment & Conditions of Services) (Amendment) Rules, 2015 From amongst the Junior Scale Stenographers working in the Municipal Corporation in State of Punjab, having an

experience of minimum two years as such and who qualify shorthand tests, both in Punjabi and English Languages of Four paragraphs (two in Punjab and two in English) containing 250 words each at the following speed:-

- i) Punjab dictation at a speed of 100 words per minute and transcription (at a typewriter or a computer) at a speed of 20 words per minute.
- ii) English dictation at a speed of 60 words per minute and transcription (at a typewriter or a computer) a speed of 12 words per minute.
- iii) Candidates committing not more than 4 percent mistakes in each test will be considered to have qualified the test.

As per the Rule 7, the post is to be filled up amongst the Junior Scale Stenographer working in the Municipal Corporation having an experience of minimum two years. In this regard it is submitted that as per the report submitted by the Municipal Corporation, Amritsar dated 26.04.2019, the petitioner is presently working as Junior Assistant and not as Junior Scale Stenographer, therefore being not eligible under the said rules, cannot claim promotion to the post of Senior Scale Stenographer.

4. That in this regard report was sought from the Municipal Corporation, Amritsar. The Municipal Corporation, Amritsar vide letter dated 26.04.2019 (annexured herewith as Annexure R/1) submitted the report to the effect that the petitioner is not entitled for the promotion to the post of Senior Scale Stenographer and cannot be considered for promotion. It has been submitted in the report and that the petitioner was initially appointed as Fireman vide Appointment Letter dated 24.10.1983 and in the Service Book, no educational qualification was

mentioned. The petitioner vide Office Order dated 29.05.1992 was designated as Clerk/Typist and was transferred from the Fire Brigade Department to Audit Department in the place of Sh. Vijay Kumar Handa, Steno Typist. The petitioner was granted the benefit of ACP Scheme and vide Office Order dated 30.03.2010 was placed in the pay scale of Junior Assistant w.e.f. 01.01.2005. It has been further submitted that the petitioner was never placed in the seniority list of Steno Typist and was never given any allowance or pay scale of Steno Typist. The petitioner was working as Junior Assistant, therefore, his name was not included in the seniority list of Steno Typist/Junior Scale Stenographer. Therefore, the petitioner is entitled for the promotion as Senior Scale Stenographer as he is neither Steno Typist nor Junior Scale Stenographer.”

3. Counsel for the petitioner is not in position to show as to how the petitioner who is working as Junior Assistant can be considered for promotion to the post of Senior Scale Stenographer as he is working as Junior Engineer and not as Junior Scale Stenographer.
4. Consequently, finding no merit in the present writ petition the same is dismissed.

May 02, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No