

2023:PHHC:143376
CWP-5469-2017 (O&M)
Date of Decision: 09.11.2023

Saroj Kumari

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Krishan Singh Dadwal, Advocate for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner has preferred this writ petition as the respondents have deprived her for consideration of promotion to the post of Senior Scale Stenographer, by treating her as ineligible.

2. Learned counsel submits that the respondents have issued an order dated 10.10.2014, to determine the seniority. Learned counsel submits that the petitioner had already put in 20 years of service out of which 6 years service as Junior Scale Stenographer and was therefore exempted from appearing in the examination in terms of the circulated issued by the Chief Secretary, dated 16.06.1995 and therefore the petitioner could not have been denied consideration for promotion on the ground that she had not qualified in the examination. The seniority list was circulated on 13.09.2016, wherein, the petitioner is shown at Sr. No.4 and has been shown to be working as Junior Scale Stenographer while persons shown at Sr. Nos.7 and 8 belonging to 'SC' category have been promoted as Personal Assistant and Senior Scale

Stenographer respectively. It is also stated that while granting promotion to the aforesaid persons at Sr. No.7 – Charanjit Kaur, Sr. No.8 – Surinder Kaur and Sr. No.2 – Kamaljit Kaur, reservation has been applied over and above the prescribed quota. The respondents have thereafter also issued a letter to all the departments for stoppage of running roster vide letter dated 13.01.2017. Thus, the petitioner is entitled for consideration of promotion and she could not be excluded merely because she has not passed the examination.

3. Per contra, learned State counsel submits that the petitioner has relied on order dated 12.06.1995, which exempts the persons from appearing in the examination on completion of eighteen years of regular service with reference to the Punjab Civil Services (Promotion of Stenographers and Steno-Typists) Rules, 1961. However, new rules by the name of Punjab Civil Services (General and Common Condition of Service) Rules, 1994, have been brought into force w.e.f. 15.03.2015, which lays down that a person can be promoted to the post of Senior Scale Stenographer from Junior Scale Stenographer only if he/she possesses the experience of minimum of five years and has qualified stenography test. Since, the petitioner has not passed the stenography test, the petitioner has not been promoted. It is further stated that the persons who have been promoted belonging to reserved category and have been promoted as per their own quota and no promotion has been given even to the quota under the reserved policy.

4. I have considered the submissions.

5. This Court finds that the petitioner was promoted as Junior Scale Stenographer on 20.10.2010. She has set up a case on the basis of seniority list published on 19.09.2016. As per the rules which have come into force in

2015, the petitioner become eligible for promotion on completion of five years of service but subject to her passing the stenography test. It is an admitted position that she has not passed the stenography test. The exemption given on completion of 18 years of service or more would, therefore, have no application with regard to the rule which requires a candidate to mandatorily pass the stenography test. It is also an admitted position as per record that no junior person in the general category has been promoted over and above the petitioner. Thus, it is neither a case of discrimination nor it is a case where the petitioner can be said to be eligible for promotion. As per Rules of 2015, the petitioner has not set up a case of her consideration prior to 2015 nor the writ petition refers to any promotion given to any junior person prior to 2015.

6. In the circumstances, no relief can be granted to the petitioner. Resultantly, the writ petition fails and is accordingly dismissed.

7. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

09.11.2023.

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1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No