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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109+263

CM-20604-CWP-2023 in/and
CWP-5691-2022 (O&M)

Date of decision: 27.11.2024

Jasveena Devi and another

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Ashish Grover, Advocate and
Mr. Archit Grover, Advocate
for the petitioners.

Ms. Shruti, AAG, Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

CM-20604-CWP-2023

This is an application for placing on record the replication filed on behalf of the petitioners.

Application is allowed and the said replication is taken on record.

Main Case

1. In the present petition, the grievance being raised by the petitioners is that the petitioners are entitled for promotion to the post of Senior Assistant while working on the post of Steno-typist considering the vacancies, which had come into operation prior to the amendment of the rules called Punjab Civil Services (General and Common Conditions of



Services) (Second Amendment) Rules 2015.

2. Learned counsel for the petitioner argues that once it is a conceded position that prior to the promulgation of 2015 Rules, the Steno-typists were also being considered for promotion to the post of Senior Assistant, the petitioners are also entitled for promotion on the basis of the said past precedent *qua* the post of Senior Assistant which had already become available prior to the operation of 2015 Rules.

3. Learned State counsel, on the other hand, submits that even prior to the 2015 amendment of the said Rules, Steno-typists were not eligible for promotion to the post of Senior Assistant as there were 4 persons senior to the petitioners who were eligible to fill 4 vacancies of Senior Assistant however, they were only eligible for promotion to the post of Senior Scale Stenographer, for which post, the respondent No.3 had conducted a test and the petitioners did not appear for the same.

4. Learned State counsel further submits that no junior of the petitioners was promoted to the post of Senior Assistant prior to the 2015 Rules also when the Steno-typists were being considered eligible for the post of Senior Assistant as per the eligibility criteria given by the unamended Rules.

5. I have heard learned counsel for the parties at length and with their able assistance have gone through the record.

6. The only question which arises in the present case is whether, any vacancy of the Senior Assistant which arose prior to the promulgation of 2015 Rules, is to be filled up by the old Rules or, 2015 Rules can be applied. The Hon'ble Supreme Court of India while deciding *Civil Appeal*

No.9746 of 2011 titled '***State of Himachal Pradesh and others Vs. Raj***



Kumar and others', has categorically held that the rules which are applicable on the date when the posts are to be filled up, are to be made applicable. The vacancies which might have occurred prior to the promulgation of the Rules, are also to be filled up, under the new Rules unless and until, there was a stipulation under the old rules giving any right to an employee to be considered *qua* the vacancies, which arose prior to the amendment.

7. Learned counsel for the petitioner has not been able to rebut the said judgment of *Raj Kumar (supra)*. Once, after the 2015 amendment of Rules, the Steno-typists are not eligible for promotion to the post of Senior Assistant, the claim which is being raised by the petitioners in the present case, is not at all maintainable keeping in view the settled principles of law.

8. In the light of above, no ground is made out for any interference by this Court in the present petition and accordingly, the same is dismissed.

27.11.2024
D.Bansal

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No