



CWP-19252-2020 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-19252-2020 (O&M)

Date of Decision: November 22, 2024

Kulwinder Kaur and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: - Mr. Ashok Kumar Arora, Advocate  
for the petitioner.

Mr. Sarthak Gupta, Advocate  
for respondent Nos. 5 to 8.

Mr. Baldev Singh Maan, Advocate  
for respondent Nos. 4, 9 & 10.

Mr. Amanpreet Singh Bains, AAG, Punjab.

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**HARSIMRAN SINGH SETHI, J. (ORAL)**

1. In the present petition, the claim of the petitioner is that they are entitled for promotion under Punjab Civil Services (Promotion of Stenographer and Steno Typist) Rules 1961 by ignoring the Punjab Civil Services (General and Common Conditions of Service) Rules 1994.

2. Learned counsel for the petitioner has placed reliance upon the judgment of the co-ordinate Bench in **CWP-12435-2015 titled as Gurwinder Singh and another Vs. State of Punjab and others** decided on 27.01.2023.

3. Learned counsel for the private respondents submits that the said issue has already been decided by the Division Bench of this Court while passing an order in **CWP-26078 of 2016 titled as Balwinder Singh Vs. State of Punjab decided** on 07.03.2017. Learned counsel for the private respondents has further submitted that the same issue has also been decided by another co-ordinate Bench of this Court in the judgment passed in **CWP-17738-2023 titled as Dilraj Kaur Vs. State of Punjab and others** decided on 19.10.2023 wherein, the applicability of 1994 Rules has been upheld even while ignoring 1961 Rules.



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4. This Court while passing the order in CWP-29440-2024 titled as Surinderpal Singh and others Vs. State of Punjab and another decided on 29.10.2024, has given liberty to the State to decide the claim of the Steno Typists for promotion keeping in view the judgment passed in Gurwinder Singh and another’s case (supra). As another co-ordinate Bench in Dilraj Kaur’s case (supra) has taken a contrary view, it will be open to the State to decide the issue once and for all after seeking appropriate instructions/advise from the department of Personnel qua the applicability of 1961 Rules of 1994 Rules keeping in view the decision rendered by this Court in CWP-26078 of 2016 titled as Balwinder Singh Vs. State of Punjab decided on 07.03.2017. Let appropriate decision be taken on the plea of the petitioner whether 1961 Rules will be applicable for promotion to the post of Senior Assistant or 1994 Rules, as amended will be applicable.
5. Let the said decision be taken within a period of eight weeks from the date of receipt of certified copy of this order.
6. Learned counsel for the petitioners submits that keeping in view the direction given by this Court to the State to take appropriate decision on the grievance of the petitioners, present petition may kindly be disposed of as not pressed any further, but liberty be given to avail appropriate remedy in case petitioners are aggrieved by the decision of the State.
7. Ordered accordingly.

November 22, 2024  
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( HARSIMRAN SINGH SETHI )  
JUDGE

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|---------------------------|-----|
| Whether speaking/reasoned | Yes |
| Whether Reportable        | No  |