



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

107+231

**CWP-13912-2021 (O&M)
Date of Decision: 22.12.2025**

BAKSHISH SINGH AND ORS

.....PETITIONERS

Vs.

STATE OF PUNJAB AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.K. Mutneja, Senior Advocate with
Ms. Suverna Mutneja, Advocate
for the petitioners.

Mr. Vikas Sonak, AAG, Punjab.

Ms. Monica Chhibber Sharma, Advocate
for respondent Nos.3 to 7 (Through Video Conferencing).

HARPREET SINGH BRAR, J. (ORAL)

CM-13767-2025

This is an application under Section 151 C.P.C moved by the applicants-petitioners for placing on record the replication on behalf of the petitioners to the written statement of respondent Nos. 3 to 7.

For the reasons mentioned in the application, the same is allowed, as prayed for, subject to all just exceptions. Replication on behalf of the petitioners to the written statement of respondent Nos. 3 to 7 is taken on record. Registry is directed to do the needful.

**Main case**

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to consider the petitioners for promotion to the post of Accounts Clerks/Assistants as per Rule 8 of the Punjab Public Works Department (Public Health Circle) State Services Class III Rules, 1983, with effect from 2009, grant notional promotion and consequential benefits from 2009 and to prepare a combined seniority list of Clerks, Senior Clerks, Ledger Keepers, and Meter Clerks.

2. Learned counsel for the petitioners *inter alia* contends that the petitioners, appointed as Ledger Keepers in the Punjab Urban and Development Authority (PUDA) since 1995 and regularized in 2001, are governed by the Punjab Public Works Department (Public Health Circle) State Services Class III Rules, 1983. Rule 8(c)(i) of the said Rules provides for promotion to the post of Accounts Clerks/Assistants from among Clerks, Senior Clerks, Ledger Keepers, and Meter Clerks. It is submitted that despite possessing the requisite qualifications and experience, the petitioners have been arbitrarily denied promotion since 2009, while their juniors in the clerical cadre have been promoted. It is further contended that the duties and responsibilities of Ledger Keepers are similar to those of Clerks, as confirmed by official communications (Annexures P-6 to P-8). The petitioners also rely on the decision of this Court in ***CWP No. 13934 of 2014***, wherein similarly placed Ledger Keepers in the Department of Water Supply and Sanitation were granted notional promotion and a combined seniority list was directed to be prepared.



3. *Per contra*, learned counsel for respondent Nos. 3 to 7 submits that the petitioners are governed by the Punjab Urban Planning and Development Authority (Employees Service) Regulations, 1999, and not by the 1983 Rules. It is contended that the post of Ledger Keeper is a “diminishing cadre” with no provision for promotion under the PUDA Regulations. It is further submitted that the petitioners cannot claim parity with employees of the Department of Water Supply and Sanitation, as they are governed by a separate set of rules. The respondents also assert that separate seniority lists for Clerks and Ledger Keepers are justified as they belong to different cadres.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. It transpires that the petitioners were regularized as Ledger Keepers under the Punjab Public Works Department (Public Health Circle) State Services Class III Rules, 1983, as reflected in the regularization order (Annexure P-1) in 2001 and completed 8 years of service in 2009, following which they have been serving in the same position till now.

6. This Court is of the opinion that the opportunity of promotion or advancement is an essential feature for the progress of any organisation and acts as an incentive for personnel development of the employee. The Hon’ble Supreme Court, in a catena of judgments, has consistently held that opportunities for promotion enhance efficiency in public service, whereas stagnation diminishes efficiency and renders the service ineffective. Promotion is, therefore, to be regarded as a normal incidence of service. At least two promotional avenues for every government employee are crucial to avoid stagnation, having regard to the constitutional obligations adumbrated in



Articles 14 and 16 of the Constitution. Reliance can be placed on the judgments of *Raghunath Prasad Singh Vs. Secretary, Home (Police) Dept., Govt. of Bihar (Civil Appeal No.2439 of 1982)*, *State of Tripura Vs. K.K. Roy, (2004), 9 SCC 65*, *Sukhmander Singh Vs. State of Punjab, 2025 (1) SLR 952*, and *Dr. Ms. O.Z. Hussain v. Union of India 1990 (Supp) SCC 688*.

7. Furthermore, the argument that the petitioners belong to a “diminishing cadre” cannot justify the denial of promotional opportunities accrued prior to the phasing out of the post. The petitioners’ right to be considered for promotion crystallized in 2009 upon completion of the requisite eight years of service.

8. In view of the foregoing discussion, it is deemed appropriate in the interests of justice to direct the Respondents to take a conscious decision regarding the creation of an avenue of promotion for the post of Ledger Keepers by appropriate amendment of Rules, within a period of six months and consider the Petitioner accordingly, within a period of one month thereafter. The present petition is accordingly disposed of.

(HARPREET SINGH BRAR)
JUDGE

22.12.2025
pry

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No