



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104

CM-1811-CWP-2025 in/&
CWP-20892-2020 (O&M)
Date of decision: 05.02.2025

Ashwani Kumar Mehta

....Petitioner

Versus

The State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Mukesh Arora, Advocate for the applicant-petitioner

AMAN CHAUDHARY, J. (ORAL)

CM-1811-CWP-2025

Notice in the application.

Mr. Manipal Singh Atwal, DAG Punjab and Mr. Manjeet Singh, Advocate appears for Mr. Hari Om Sharma, Advocate accept notice on behalf of respondent-State and Nos.6 to 8 & 10 to 16 respectively, they have no objection to the prayer made in the application.

For the reasons mentioned in the application, the same stands allowed. Main case is preponed and taken on board today itself.

CWP-20892-2020 (O&M)

1. The prayer made in the present petition is for quashing the memo Nos.08 dated 11.01.2019 and 83 dated 05.03.2020, vide which respondent No.5 has refused to consider the claim of the petitioner on the post of Senior Assistant.

2. Learned counsel for the petitioner prays for disposing of this case in view of the decision of this Court in **Surinderpal Singh and Others vs. State of**



Punjab and Another, CWP-29440-2024, decided on 29.10.2024, covers the case of the petitioner on all fours, which learned State counsel despite best efforts has been unable to controvert regards the factual position and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law, which reads thus:

“1. In the present petition, grievance being raised by the petitioners is that the petitioners, who are working on the post of Steno-typist are not getting any promotion and the respondents are under an obligation to consider the claim of the petitioners for the grant of promotion under the Punjab Civil Service (Promotion of Stenographers and Steno-Typist) Rules, 1961 (here-in-after referred as ‘1961 Rules’)

2. Learned counsel for the respondents submits that once, the General Rules i.e. Punjab Civil Services (General & Common Conditions of Services) Rules, 1994 have already been framed for promotion of the Stenographers/Steno-Typist in the year 1994, 1961 Rules will not govern the services of the petitioners.

3. Learned counsel for the petitioners submits that once, there were specific Rules of 1961 for promotion of Stenographers/Steno-Typist, general rules of 1994 will not be applicable upon the petitioners and in support of the said arguments he has placed reliance upon the judgment of the Coordinate Bench of this Court in CWP-12435-2015 titled as **Gurwinder Singh and another vs. State of Punjab and others** decided on 27.01.2023 wherein, the findings have been given that 1961 Rules will remain in operation even after promulgation of 1994 Rules hence, the respondents are under obligation to consider the claim of the petitioners for the grant of benefit of promotion in the light of the judgment of Coordinate Bench of this Court in **Gurwinder Singh** (supra).

4. Learned counsel for the respondent-State submits that claim of the petitioners for the grant of promotion will be considered by keeping in mind the judgment of the Coordinate Bench of this Court in **Gurwinder Singh** (supra) and appropriate order will be passed within a period of 08 weeks from the date of receipt of copy of this order and in case, it is found feasible to extend the relief to the petitioners, the same will be extended otherwise, due reasons for not accepting the claim of the petitioners will be mentioned in the order so passed, which will be conveyed to the petitioners for information and necessary action.

5. Learned counsel for the petitioners submits that keeping in view the statement made by learned counsel for the



respondents, present petition may kindly be disposed of having been not pressed any further.
6. Ordered accordingly.”

3. In wake of the aforesaid, the petition is disposed of in terms of **Surinder Singh** (supra).

(AMAN CHAUDHARY)
JUDGE

05.02.2025
M.Kamra

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