

CWP No. 2705 of 2008

30.11.2009 Present:- Mr. J.L.Bhardwaj, counsel for the petitioners.

Mr. A.K.Bansal, Addl. A.G. with Mr. R.P.Singh,
Asstt. A.G. for the respondents.

The petitioners have prayed mainly the following
reliefs in the petition :-

- i) That the writ in the nature of mandamus may kindly be issued declaring the R&P Rules including the category of Technical Assistant and Superintendent grade-I alongwith District Inspectors (now re-designated as Food and Supplies Officer) eligible for promotion to the post of District Food and Supplies Controllers now designated as District Controller, Food, Civil Supplies and Consumer Affairs as ultra vires for which the petitioners humbly pray.
- ii) That the impugned order dated 21.11.2008 passed by the respondent No.1 rejecting the representation moved by the petitioners may kindly be quashed and set-aside and the respondent No.1 may be directed to consider the representation made by the petitioner and amend the R&P Rules for the post of District Controllers for which the petitioners humbly pray.
- iii) That the writ in the nature of mandamus may kindly be issued directing the respondents to amend the rules for promotion to the category of District controller, Food, Civil Supplies and Consumer Affairs and make provision for promotion on the basis of strength of each feeding category on the pattern of Rules of Punjab government and further the posts may be filled in on post based roster as is being followed in other

departments by the Government of Himachal Pradesh for which the petitioners humbly pray.

- iv) That the writ in the nature of mandamus may kindly be issued directing the respondents to exclude the category of Superintendents Grade-I, as feeding category for promotion to the posts of District Controllers, Food, Civil Supplies and Consumer Affairs, since they have been provided promotional avenue which is adequate for the posts of Deputy Directors for which the petitioner humbly pray.

The main prayer made by the petitioners in the petition is for amendment of Recruitment and Promotion Rules. The petitioners are also aggrieved against the order dated 21.11.2008 Annexure P-12 vide which the representation of the petitioners for amendment of the Recruitment and Promotion Rules was rejected. In the order dated 21.11.2008, it has been observed that it is appropriate to amend the Recruitment & Promotion Rules and specify the promotion rules. The learned Additional Advocate General has stated that Recruitment & Promotion Rules for the post of District Controller, Food, Civil Supplies & Consumer Affairs, have been amended vide notification dated 26.10.2009 published in gazette on 28.10.2009. This has not been denied by the learned counsel for the petitioners.

In view of the amendment of the rules for the post of District Controller, Food, Civil Supplies & Consumer Affairs, the

petition does not survive when the petitioners have mainly prayed for amendment of the rules. The respondent No.1 has amended the rules and if the petitioners are aggrieved against amended rules, then they are at liberty to raise grievance against amended rules in accordance with law. The petition stands disposed of.

November 30, 2009.
(GR)

(Kuldip Singh)
Judge.