

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

Sr. No.206

CWP No.12439 of 2012

Date of decision: 04.11.2015

Kusum Bajaj and others

....Petitioners

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Baldev Singh, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The petitioners were working as Lecturers (College Cadre). In the years 2008-09, their juniors were promoted to the post of Principal (College Cadre) ignoring their claim leading to a representation by them protesting against such promotion given to their juniors. On favourable consideration of their representation, the respondents, in the years 2011-12, also promoted the petitioners as Principal (College Cadre) w.e.f. the date their juniors had been so promoted. Though, they were granted seniority with effect from the date their juniors had been promoted, so far as monetary benefits were concerned only notional fixation was done.

Through the present petition, the petitioners claim that they are entitled to all consequential benefits from the date their juniors have been promoted since they were earlier illegally ignored by the respondents.

In support of their claim, the petitioners rely on a judgment of this Court in **CWP No.3062 of 2013** titled as '**Dr. Shankuntala Hooda versus State of Haryana and another**', decided on 06.11.2013, wherein in similar circumstances similar relief was granted.

I have heard learned counsel for the parties and with their able assistance have gone through the record of the case.

Persons junior to the petitioners were promoted to the post of Principal (College Cadre). The petitioners represented against such action of the respondents on which the respondents, on their own, virtually accepting their lapse ordered the promotions of the petitioners from the date their juniors had been promoted. However, no monetary benefit was granted.

Once the respondents themselves acknowledged that the petitioners had wrongly been ignored at the time of grant of promotion to their juniors then consequential benefits arising out of such promotion w.e.f. the date their juniors have been promoted cannot be denied.

The aforesaid view of the mine finds support from the following observations of this Court in **Dr. Shankuntla Hooda's case (supra)**.

“It is not disputed that the seniority list was corrected after the petitioner retired on 31.12.2008, as a result of which the petitioner was declared senior to the candidates whose names now stand at Sr. No. 29 to 46. All these teachers were promoted as Principals on 30.12.2008, whereas, the petitioner retired on the next day without earning promotion. The argument of the State that no one junior to the petitioner was promoted as Principal on the

basis of the old seniority list as on 01.01.2004 deserves to be rejected since the Government has corrected the seniority position which inter se position operates retrospectively. A seniority list may appear to operate in the future but reflects the past with antecedent enforceable rights.

Therefore, I would allow this writ petition and set aside the impugned order dated 06.12.2012 (Annexure P-7). The petitioner would now be promoted as Principal with effect from the date her juniors were promoted with all consequential benefits including re-fixation of pay based on recomputed last pay certificate, pension and pensionary benefits. Accordingly, the pension and pensionary benefits etc. would be reworked, re-computed and the arrears of monetary benefits be handed over to the petitioner within 60 days from the date of receipt of a certified copy of this order.”

In view of the facts as noticed above and the decision of this Court in **Dr. Shankuntla Hooda's case (supra)**, I have little hesitation in allowing this writ petition by holding that the petitioners would be entitled to all consequential benefits with effect from the date their juniors have been promoted.

The needful be done within a period of three months from the date of receipt of a certified copy of this order.

(DEEPAK SIBAL)
JUDGE

November 04, 2015
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