

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CWP No.10878 of 2013 (O&M)
Date of Decision: 19.11.2015**

Baljeet Kaur

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vivek Sharma, Advocate,
for the petitioner.

Mr. Harkesh Manuja, Addl. AG, Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

Mr. Manuja has produced an order of the State Government dated November 18, 2015 offering appointment to the petitioner as JBT teacher in the school cadre of the Punjab Government. This settles the main issue and renders the petition partially infructious.

However, Mr. Vivek Sharma, learned counsel appearing for the petitioner on having read the letter offering of appointment produced in court today submits that the appointment should relate back to May 30, 2008 and the petitioner deserves to be granted seniority as per her merit position determined by the recruiting agency in the recruitment process.

The prayer is justified and is accepted as it reflects the correct legal position.

The offer of appointment is taken on record as Mark 'A'.

Towards the balance relief a writ of mandamus is issued to the Department to assign seniority to the petitioner with effect from the date the person lower in merit to the petitioner was appointed to service in the year 2008. The pay and allowances admissible to the petitioner will be fixed on notional basis by giving due credit of notional annual grade increments running from 2008 till the date the offer of appointment presently made is accepted by the petitioner within the time specified in the appointment order. This relief is necessary to bring the pay and allowances of the petitioner at par with her compatriots in the recruitment process initiated by the advertisement issued in the year 2007. However, she will not be entitled to any monetary benefits for the period intervening and would be entitled to full pay and allowances only from the date the writ petition was filed on May 16, 2013.

The petition stands allowed and disposed of accordingly with the above observations and directions.

(RAJIV NARAIN RAINA)
JUDGE

19.11.2015
manju