

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

CWP No.17115 of 2011(O&M)

Date of decision : 19.03.2015

Prabha Sharma

..... Petitioner

VS

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. V.K.Jindal, Sr. Advocate with
Mr. Gaurav Bakshi, Advocate for the petitioner.

Mr.Ashok Singh Chaudhary, Addl.AG, Haryana

Mr.Ajay Nara, Advocate for respondent No.2-HUDA.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

By this writ petition the petitioner has challenged the action of the respondents in not considering her for the promotion to the post of Sub Divisional Clerk. Admittedly the petitioner was appointed as a Stenotypist. Admittedly she was given the job of a clerk. Admittedly she worked as a clerk for more than 3 years. Admittedly as per the

HUDA regulations, a promotion to the post of Sub Divisional Clerk plus Stenotypist who had three years experience can be considered from the side of clerks. The only reason given for rejecting this claim of the petitioner is that when she was deputed as a clerk permission of the Chief Town Planner was not obtained.

In my opinion this blame cannot be laid at the door of the petitioner. Once it is admitted that the petitioner had the experience of three years as a clerk, she had to be considered on that basis and merely because her employer did not take the necessary permission would not wash away that experience.

In the circumstances this writ petition is allowed. Respondents are directed to consider the claim of the petitioner from the due date on the basis that she had three years experience as a clerk, Let the necessary exercise be conducted within two months from the date of receipt of a certified copy of this order and the benefits, if any, be released to the petitioner within a period of one month thereafter.

(AJAY TEWARI)
JUDGE

March 19, 2015
sunita