

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

CWP No.15946 of 2012
Date of decision: 23.07.2015

Rekha Sood

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Prateek Pandit, Advocate for the petitioner.
Mr. Nilesh Bhardwaj, DAG, Punjab.

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?

ARUN PALLI J. (Oral)

A writ in the nature of mandamus is prayed for, so as to direct the respondents to consider the claim of the petitioner for promotion to the post of Senior Medical Officer (SMO) w.e.f. 16.04.2010 i.e. the date from which her immediate juniors were promoted. Further, a direction is sought to the respondents to fix the pay of the petitioner w.e.f. June, 2006, in the post of Senior Medical Officer, in terms of the Punjab Government letter No.6/47/2011/1LFPII521, dated 20.07.2011 (Annexure P11), as the petitioner was made to discharge the functions and responsibility of a higher post i.e. SMO. In the written statement filed by the State, it is clarified that the name of the petitioner was duly considered for promotion to the post of Senior Medical Officer by the

Departmental Selection Committee in the meeting held on 25.03.2010 and since she failed to meet the required benchmark, she was not found suitable for promotion. That is how, in the next DPC, she having been found suitable was promoted on 06.08.2012. Learned counsel for the petitioner does not press the claim as regards the promotion being sought by the petitioner w.e.f. 16.04.2010. But he submits that the pay of the petitioner is required to be fixed w.e.f. June, 2006, in the post of Senior Medical Officer, as she discharged the functions and duties of a higher post w.e.f. 26.06.2006 to 06.08.2012 i.e. date she was promoted to the said post, pursuant to an order dated 26.06.2006 (Annexure P2).

Learned State counsel submits that let this petition be disposed of with a direction to the respondents to consider and decide the claim of the petitioner as regards the fixation of pay of the petitioner w.e.f. June, 2006. And an appropriate order, in accordance with law, and in terms of the Government instructions, shall be passed within one month from the receipt of certified copy of this order. And in case the petitioner is found entitled to the relief claimed, within a further period of two months from the date of passing of the order, the requisite benefits shall be released to the petitioner.

That being so, learned counsel for the petitioner submits that in the wake of the statement made by the learned

State counsel, the petition be disposed of as having become infructuous.

Disposed of as infructuous.

July 23 2015
Rajan

(Arun Palli)
Judge