

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 19969 of 2011 (O&M)
Date of decision: 29.1.2015

Phool Wati

.. Petitioner

v.

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Vikram Jeet Singh, Advocate for
Mr. Aman Pal, Advocate for the petitioner.

Mr. Kuldeep Tiwari, Addl. Advocate General, Haryana.

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Rajesh Bindal J.

The petitioner has approached this court seeking a direction for grant of consequential benefits accruing to her in view of the order dated 22.3.2001 passed in CWP No. 16560 of 2000—Phool Wati v. State of Haryana and others.

Learned counsel for the petitioner submitted that in November, 1999, the Director, Secondary Education, Haryana advertised 860 posts of Hindi Teachers. The petitioner being eligible applied for the same, however, was not selected by the authorities on the ground that the petitioner does not fulfil the requisite qualification. The action was challenged by filing CWP No. 16560 of 2000. The same was allowed by this court on 22.3.2001 in terms of the order passed in CWP No. 7172 of 1998—Bimla Devi v. State of Haryana and another, decided on 11.11.1998. Thereafter, the petitioner was allowed to join duty. Some other similarly situated teachers filed CWP No. 716 of 2001—Ram Chander and others v. The State of Haryana and others, which was disposed of in terms of the earlier order passed in CWP

No. 2869 of 2001—Rajinder Parshad v. State of Haryana and others, decided on 12.2.2002 and the petitiones therein were granted all consequential benefits. The aforesaid petition pertained to the same selection, hence, the petitioner is also entitled to the same benefit. A legal notice dated 4.5.2011 was got issued, however, the same has not been responded to.

On the other hand, learned counsel for the State submitted that the petitioner has been granted benefits in terms of the judgment in her favour in CWP No. 16560 of 2000 filed by her. Initially, she was appointed at Rewari. Then on her own request, on inter-district transfer, she was allocated to District Bhiwani. The seniority is district-wise. On inter-district transfer, a teacher is put at the bottom of the seniority, hence, even otherwise the petitioner shall not be entitled to any benefit.

Heard learned counsel for the parties and perused the paper book.

It is not in dispute that CWP No. 16560 of 2000 filed by the petitioner impugning the action of the respondents while not granting her appointment despite her eligibility, was allowed by this court vide order dated 22.3.2001 in terms of the earlier order passed in Bimla Devi's case (supra). The operative part of the order passed in Bimla Devi's case (supra) is extracted below:

“In the result, we allow the writ petition and quash Annexure P-4. Respondent No. 2 is directed to offer appointment to the petitioner on the post of Hindi Teacher within a period of one month from today. In case, one of the three posts notified in the list published on 2.7.1997 is found to be not available, the respondent No. 2 shall communicate the same to the petitioner within this period of one month.”

As is evident from the aforesaid order, the only direction given was to offer appointment but no consequential benefits were granted. The petitioner was offered appointment and she joined service and never raised the issue. Now claim is sought to be made on the basis of the fact that some other teachers, who were appointed later on, were granted consequential

benefits also, hence, the petitioner is also entitled to the same, but the fact remains that once there is an order passed by this court in the writ petition filed by the petitioner granting her certain benefits, a fresh petition for claiming residual benefits, which were either not pressed or not granted at that time, cannot be entertained more than a decade thereafter, merely because in some other case, other candidates may have been granted any benefit. The cause of action is not the date when any benefit is granted to some other employee, rather, the date on which the same has been denied to an employee, which otherwise may be admissible.

For the reasons mentioned above, the writ petition is dismissed.

(Rajesh Bindal)
Judge

29.1.2015
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