

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no. 4215 of 2014(O&M)

Date of Decision : 06.02.2015

Gaganpreet Kaur and others

....Petitioners

Versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

Present : Mr. G.S.Nahel, Advocate for the petitioner

Mr. Harkesh Manuja, Addl. AG, Punjab

MAHESH GROVER, J.

The petitioners' grievance is that they were appointed as ETT Teachers in Zila Parishad and now absorbed in Education Department. Even though a grievance has been made that the respondents are adopting the policy of pick and choose for absorption but in essence issue of seniority has been raised.

On due consideration of the matter, I find that the matter is squarely covered by the ratio of judgment of this Court rendered in CWP no.2717 of 2014 titled as **Ambika and others vs. State of Punjab and others** decided on 4.8.2014, wherein it has been observed as under:-

“On due consideration of the matter, I am of the view that the policy of enabling an incumbent to exercise his or her option to enable him or her to stay at one station with his or her spouse was a noble cause espoused by the respondent-State but by forgoing seniority the benefit given stands to be colored. The seniority would form one of the legitimate concern of an employee and if in a situation as the one in which the

petitioners are placed would offer a predicament of either staying separately from the spouse and protect seniority, or together, with a loss of seniority, then the action of the State in depriving the employees of the benefit of seniority in this exceptional circumstance would amount to exploitation of such a predicament. Therefore, such a action cannot be sustained.

The writ petition is, therefore, accepted with a direction to the respondents to re-formulate the seniority of the petitioners by giving them due date of assignment in accordance with rules which can and should ordinarily form the only basis for assigning of seniority de hors any other material such as affidavits furnished by the petitioners in compelling circumstances. Needless to say the respondents would give an opportunity of hearing to all the affected persons for conducting such an exercise.

Petition stands allowed.”

Instant petition is also disposed of in the same terms.

February 06, 2015
rekha

(MAHESH GROVER)
JUDGE