

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Writ Petition No. 5359 of 2015

DATE OF DECISION : March 23, 2015

Charandeep Sonia

..... PETITIONER(S)

VERSUS

State of Punjab & anr.

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

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

...

1. Whether Reporters of local newspapers may be allowed to see the judgment? YES/NO

2. To be referred to the Reporter or not? YES/NO

3. Whether the judgment should be reported in the digest? YES/NO

...

ARUN PALLI, J. (Oral)

Even earlier, petitioner had approached this Court vide CWP-5511-2013 and claimed promotion to the post of Lecturer (Biology) from the date her junior i.e. Manminder Kaur, was promoted. It was maintained that since the seniority position of the petitioner was 20914 in the seniority list of Masters/Mistresses, and the position assigned to Manminder Kaur

was at Serial No.21337, petitioner being senior, was entitled to

be promoted prior to said Manminder Kaur. It was maintained that the Departmental Selection Committee had taken into consideration the seniority with effect from the date of appointment and, thus, ignored Rule 11 of the Punjab State Education Class III (School Cadre) Service Rules, 1978, which postulates that, in case of direct recruitment, seniority shall have to be determined in terms of the merit prepared by the selecting authority, the principle that was violated while granting promotion to Manminder Kaur. Therefore, petitioner claimed promotion from the date her junior was promoted. The said writ petition was disposed of by this Court vide order dated 14.03.2013 (Annexure P-5), directing respondent No.1 to consider and decide the legal notice dated 09.01.2013 (Annexure P-4) that was served by the petitioner upon the said respondent.

Learned counsel for the petitioner contends that pursuant to the said order, claim of the petitioner for promotion to the post of Lecturer (Biology) was accepted. However, in the instant petition, petitioner prays that his pay be notionally fixed with effect from 01.01.1997, as has been granted to the similarly placed persons. He further submits that the matter in issue is squarely covered by the decision of this Court rendered in CWP-19832-2003 (Charan Dass Sharma vs. State of Punjab and others), decided on 09.07.2004 (Annexure P-1). It is maintained that prior to the institution of this petition, petitioner had even represented to respondent No.2, through proper channel, and his representation was forwarded by the District

Education Officer (Senior Secondary), Sangrur, to respondent No.2, as back as on 30.05.2014, but has still not been heeded to.

Learned counsel for the petitioner submits that let this petition, at this stage, be disposed of with a direction to respondent No.2 to consider and decide the representation of the petitioner within a stipulated period of time.

That being so, and without expressing any opinion on merits, this petition is disposed of with a direction to respondent No.2 to consider and decide the claim of the petitioner, as set out in representation dated 30.05.2014 (Annexure P-7), strictly in accordance with law, within a period of three months from the date of receipt of certified copy of this order.

Needless to assert, a comprehensive order shall be passed, assigning reasons in support of the decision arrived at.

MARCH 23, 2015
Kang

(ARUN PALLI)
JUDGE