

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

CWP No.9046 of 2015
Date of decision: 14.07.2015

Kusumjit Kaur and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Manu K. Bhandari, Advocate,
for the petitioners.

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 implement the judgment rendered by the Hon'ble Supreme Court in Saroj Rani v. State of Punjab, decided on 24.08.1999 (Annexure P1) and consequently, the seniority of the Assistants/Senior Assistants be finalized in terms thereof. Paragraph 30 of the decision (Annexure P1) contains the directions that were issued by the Hon'ble Supreme Court, which reads as thus:

- (1) All vacancies on the post of Assistants/Senior Assistants prior to 21st January, 1991 are to be filled up by those who qualified by passing the examination and exemptees would have no claim on such vacancies.
- (2) All vacancies after 21st January, 1991 shall be filled in the ratio of 70 per cent and 30 per cent between exemptees and qualifiers in the examination,

respectively, for each year in question till all the existing qualifiers are absorbed.

(3) All promotions or reversions made have to be readjusted within the aforesaid frame work, irrespective of any interim orders then in force.

(4) Any incumbent who worked on the post of Assistant/Senior Assistant on account of promotion orders and in case they have to be reverted or have been reverted, any salary or consequential amount paid to such employees for working on the post of Assistant/Senior Assistant shall not be taken back from them. Similarly, if any employee gets promotion to the post of Assistant/ Senior Assistant from an earlier date, he/she will not be entitled to any arrears of salary.

(5) State shall complete this exercise of promotion on the above said formula on or before the 31 December, 1999; till then the existing arrangement shall continue.

(6) So far two appellants in the appeal of Ravi Lamba, since they were promoted prior to 21st January 1991, for which there is no dispute and their reversion order being held illegal, they may be promoted forthwith and they may not be asked to wait for the final exercise of promotion in all other cases.

Petitioners purport to have represented to the respondents, vide a comprehensive representation/notice dated 24.07.2014 (Annexure P14), seeking compliance of the directions issued by the Hon'ble Supreme Court in Saroj Rani's case (supra). But to no avail. So much so, even a reminder dated 10.11.2014 (Annexure P15) has not been heeded to by the respondents and the claim of the petitioners continues to await the consideration of the authorities.

Learned counsel for the petitioners submits that let this petition, at this stage, be disposed of only with a direction to the respondents to consider and decide the notice (Annexure P14), served by the petitioners, within a specified time.

That being so, and without expressing any opinion on merit, this petition is disposed of with a direction to the respondents to consider and decide the claim of the petitioners, as set out in their notice dated 24.07.2014 (Annexure P14), strictly in accordance with the law, within a period of three months from the 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.

July 14 2015
Rajan

(Arun Palli)
Judge