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

CWP No.16656 of 2015

Date of decision: May 11, 2016

Urmila Ranga

.....Petitioner

Versus

Central Administrative Tribunal, Chandigarh Bench
and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Mr. K.S. Banyana, Advocate
for the petitioners.

Mr. Deepak Sharma, Advocate
for respondents No.3 to 5-U.T., Administration.

Mr. N.P. Mittal, Advocate
for respondent No.6.

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?

SURYA KANT, J. (Oral)

The petitioner and respondent No.6 joined the Education Department, Chandigarh Administration, as Trained Graduate Teachers (for short 'TGTs'). While sixth respondent belongs to General Category, the petitioner is from Reserved Category. The petitioner was granted accelerated promotion(s) and resultantly, she was placed above respondent No.6 in the seniority list of promotional cadre though as TGTs, 6th respondent was senior to the petitioner. Respondent No.6 questioned the out of turn promotion granted to the petitioner in view of the law laid down by the Constitution Bench in **M. Nagraj versus Union of India and others, reported as (2006) 8 SCC 212.** The Central Administrative

Tribunal (for short 'CAT'), Chandigarh Bench vide the impugned order has accepted the claim of respondent No.6 on the ground that no mandatory survey was carried out by the Chandigarh Administration regarding representation of SC/ST employees in the services to justify accelerated promotions. A direction has been issued to review the promotion given to petitioner and consider the claim of respondent No.6 for such promotion from the date his juniors were promoted.

The aggrieved petitioner has approached this Court. We have heard learned counsel for the parties at a considerable length and seen the record.

Animosity amongst the Teachers, the genesis whereof lies in their birth mark is a matter of serious concern for all as it would actualize its impact on the shaping of our future generations. It is but natural that the contestant of caste-based issues inside the Court compounds most likely would leave their trails in the school-campus also.

Pursuant thereto, respondent No.6 has since been promoted but not from the date her juniors were promoted.

There is no gain saying that meanwhile a co-ordinate Bench has dealt with an identical issue in **The Director, Post Graduate Institute of Medical Education & Research, Chandigarh Versus The Central Administrative Tribunal, Chandigarh Bench, Chandigarh and others, 2016(1) PLJ 188** and has upheld the CAT's order based on same reasoning. That apart, Hon'ble Supreme Court has reiterated the legal principles in a recent decision in **Suresh Chand Gautam versus State of Uttar Pradesh & Ors., 2016 AIR (SC) 1321**. Further, it is an admitted fact that no survey in terms of **M. Nagraj's case (supra)** was carried out by the Chandigarh

Administration. No other issue arises for consideration in this case. We thus, allow this writ petition in part to the extent that the promotion granted to the petitioner is saved subject to the condition that respondent No.6 is held entitled to such promotion from the date his juniors were promoted but on notional basis. We are not inclined to grant arrears of pay for the reason that respondent No.6 has not performed duties on the promotional post from the date he will now be promoted; secondly, it is not a case where the authorities denied promotion to respondent No.6 in a casual or irresponsible manner; there has been contentious legal issue(s) pending consideration before different forums and the Administration, in the given circumstances, granted accelerated promotions to the petitioner in the manner as the policy was understood at that time. Taking into consideration the totality of the circumstances, no case to grant arrears of pay to respondent No.6 is made out though he is entitled to retrospective promotion along with notional pay fixation from the date his juniors were promoted. Resultantly, he will continue to rank senior to petitioner for all intents and purposes in future. The necessary orders to this effect be issued within three months from the date of receipt of copy of this order.

**[SURYA KANT]
JUDGE**

**[A.B. CHAUDHARI]
JUDGE**

May 11, 2016
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