

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

Civil Writ Petition No.14861 of 2017

Date of decision: 12.07.2017

Sushma Yadav

...Petitioner

Versus

The State of Haryana and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Jagbir Malik, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks promotion to the post of TGT Science from the date juniors to her have been given promotions i.e. 22.3.2016 (Annexure P/15) which is denied to her. The denial allegedly is on the ground that in view of communication dated 2.2.2017 (Annexure P/21) that promotion case of the employee is pending due to non receipt of thumb impression and signature verification report and further proceedings in the matter are possible only after the receipt of report.

Counsel for the petitioner submits that as per appointment order dated 3.1.2011 (Annexure P/9), the petitioner was selected as JBT Teacher having merit number 6646 in the category of BC-B. The initial promotion orders were issued on 18.3.2016 (Annexure P/14) promoting 49 JBT/C&V Teachers on the basis of having requisite qualification of TGT Science and Home Science Master/Mistress. Thereafter, vide order dated 22.3.2016 (Annexure P/15) more employees were promoted. It is the case of the petitioner that in the said list persons junior to her having merit number 6707 shown at serial no.19 and merit number 7115 shown at serial no.79

were promoted apart from others also. Accordingly, a representation dated 25.3.2016 (Annexure P/17) had been made regarding denial of promotion to the petitioner on the ground that juniors were promoted. Thereafter, other promotions were effected vide order dated 17.8.2016 (Annexure P/16) whereby junior persons having merit numbers 7032 and 7042 mentioned at serial nos. 27 and 35 respectively of the BC-B category were promoted.

It is accordingly the case of the petitioner that representation thereafter was also filed on 22.8.2016 (Annexure P/18) which led to the communication dated 2.2.2017 (Annexure P/21). Thereafter, another representation dated 22.4.2017 (Annexure P/19) was filed. Reliance has also been placed upon the order dated 27.4.2017 (Annexure P/23) passed in **Civil Writ Petition No.18912 of 2016-Shilpi Aggarwal Vs. State of Haryana and others** whereby in similar circumstances it was held as under:-

“Perusal of the affidavit dated 26.04.2017 it is evident that official respondents have not initiated departmental inquiry by framing charge or petitioner was facing criminal case and he has not been charge-sheeted as on the date of juniors promotion to the post of TGT (Science). Therefore, the official respondents are directed to consider the petitioner's name for promotion to the post of TGT (Science) w.e.f. 22.03.2016 if the petitioner is otherwise eligible.

With the above observation, petition stands disposed of.

At this stage, learned counsel for the petitioner submitted that the petitioner is entitled for consequential benefits on promotion to the post of TGT (Science) w.e.f. 22.03.2016. The same shall be extended to the petitioner within a period of two months from today.”

It is accordingly case of the petitioner that in the absence of any departmental enquiry or framing of charge sheet, the denial on the ground

that verification has not been done is not justified as she had been appointed way back in 2011 and the representation of the petitioner should be decided within some stipulated time.

Notice of motion.

Ms. Shruti Jain Goyal, Assistant Advocate General, Haryana accepts notice on behalf of respondents. Requisite copies of the writ petition have been supplied to her.

Accordingly, keeping in view the above facts the respondent no.2 shall take into consideration aforesaid representations dated 25.3.2016, 22.8.2016 and 22.4.2017 (Annexures P/17, P/18 and P/19 respectively) and take a decision on the issue in view of observations made by this Court in **Shilpi Aggarwal's case** (supra) who has already been granted promotion in similar circumstances.

Let the needful be done within a period of four weeks from the date of receipt of a certified copy of this order. It is made clear that in case any adverse order is to be passed then a reasoned order be passed by the said respondent and copy thereof be communicated to the petitioner.

The present writ petition is disposed off with the aforesaid directions.

July 12, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No