

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No.25663 of 2015 (O&M)

Date of Decision: 04.07.2017

Alpana

--Petitioner

Versus

State of Punjab and others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. R.K. Girdhar, Advocate for the petitioner.

Ms. Monica Chhiber Sharma, Sr. D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

The petitioner, who is serving under the Punjab State Education Department, filed the instant petition seeking directions to the respondents to assign to her seniority as Science Mistress w.e.f. 20.11.1997 on the basis of the merit that she secured in the select list (Annexure P-1). Further directions sought were to promote the petitioner to the post of Lecturer (Chemistry) w.e.f. 15.5.2012/6.12.2013 i.e. the date persons junior to her i.e. respondents no.5 and 6 had been so promoted.

In the reply that has been filed to the writ petition, a categorical stand has been taken on behalf of the State that the grievance of the petitioner qua her seniority already stands redressed. In para 2 of the preliminary submissions contained in the written statement, it has been averred that the entire seniority of Masters/Mistresses stands reframed by following the principle of assigning seniority as per order of merit in the select list.

Counsel appearing for the petitioner does not dispute such factual position as regards requisite seniority having already been accorded

to the petitioner.

Appended along with the written statement at Annexure R-1/6 is an order issued from the office of Director, Education Department (S.E.), Punjab Establishment-I Branch and in terms of which the petitioner stands promoted as Lecturer (Chemistry) w.e.f. 14.7.2016.

Counsel appearing for the petitioner would submit that even though, the benefit of promotion to the Lecturer cadre has been granted but the petitioner is entitled to such benefit w.e.f the date her juniors were so promoted along with all consequential benefits.

The petitioner having already been granted part relief, the instant petition is disposed of in terms of granting liberty to the petitioner to approach the respondents/competent authority for grant of ante dated promotion and consequential benefits w.e.f. the date her juniors were promoted to the Lecturer cadre. In the eventuality of any such representation/claim having been raised, respondents would be obligated to consider the same in accordance with law and to pass a speaking order thereupon within a period of four months from the date of submission of such representation.

It is, however, clarified that while granting liberty to the petitioner to claim ante dated promotion as also consequential benefits, this Court has not expressed any opinion on the merits of such claim.

Petition is disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

04.07.2017
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Whether speaking/reasoned: Yes
Whether Reportable: No