

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 766 of 2017

Date of Decision: February 16, 2017

Nirmala Chauhan

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Raman Chawla, Advocate,
for the petitioner.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, petitioner has sought for quashing of promotion order dated 23.12.2016 issued by the third respondent insofar as stated to be juniors to the petitioner.

Perusal of Annexure P/7, a provisional seniority list of Lecturers (School Cadre) as on 01.04.2005 has been prepared, wherein the petitioner stated to be juniors are placed at Sr. Nos. 1389 and 1390, whereas the petitioner's name has been reflected at Sr. No. 1546. Therefore, the petitioner cannot say that her juniors have been promoted unless and until seniority list of Lecturers is rectified in accordance with law if the petitioner made out a case and thereafter, if the petitioner is declared to be senior i.e., over and above at Sr. Nos. 1389 and 1390, then only the cause of action for the petitioner to seek promotion to the post of Principal would arise. Therefore, the petitioner has not made out a case for quashing the promotion order etc.

Hence, the instant writ petition stands dismissed. Dismissal of this petition would not come in the way of the petitioner to make necessary representation or application to finalise the provisional seniority list of Lecturers (School Cadre) as on 01.12.2016 for consideration of her objections and thereafter, if in the final seniority list of Lecturers (School Cadre), the petitioner is placed over and above Neelam Gupta (respondent No.6) and Santosh Bhakar (respondent No.7), who are stated to be juniors to the petitioner with reference to date of entry into service, in such event, the petitioner is entitled for retrospective promotion from the date of juniors' promotion. In this regard, if petitioner submits representation, the same would be considered by the concerned respondent within a reasonable period after hearing respondents no.6 and 7.

February 16, 2017
vkd

[P.B. Bajanthri]
Judge

Whether speaking / reasoned : Yes

Whether reportable : No