

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

CWP No.10179 of 2011 (O&M)

Date of Decision:10.01.2018

Bimla Arora

... Petitioner

Vs.

National Fertilizer Limited and another

... Respondents

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

Present : Mr. B.K. Sharma, Advocate for the petitioner.

Mr. Vipin Mahajan, Advocate for the respondents.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged order dated 16.10.2010 (Annexure P-21) and further sought for considering his name as qualified for the post of Matron with reference to diploma qualification. On an earlier occasion, petitioner approached this Court in the year 2010 by filing CWP No.3483 of 2010 which was disposed of directing the concerned respondent to decide petitioner's grievance by passing a speaking order. Thus, a speaking order has been passed on 16.10.2010 (Annexure P-21) which is the subject matter of this petition.

Crux of the matter in the present petition is whether petitioner is eligible for promotion to the post of Matron or not with reference to qualification of Diploma in General Nursing and Midwifery.

Undisputed facts are that method of recruitment to the post of Matron reads as under:

“Matron Rs.960-1610: Should be Matric and Midwifery trained and should possess Grade 'A' Nurse Certificate and should have passed Post Graduate Course in Administration and must have at least 5 years experience as Sister. Candidates should be unmarried or widows without encumbrances.

Age 35 years relaxable by 5 years in case of SC/ST candidates.”

Admittedly, petitioner did not have the qualification of Post Graduate Course in Administration prior to 26.05.2000. Therefore, question of equating or relaxing Post Graduate in Administration to that of diploma in General Nursing and Midwifery do not arise. Having regard to the date of promotion of the petitioner to the post of Sister on 23.06.1989, due to stagnation to the post of Sister, petitioner has been extended the benefit of promotion as monetary benefit since the year 1996 as and when she has completed 7 years of service.

That apart petitioner has acquired post graduation qualification on 26.5.2000. Thereafter as and when vacancy of Matron was accrued, petitioner's name has been considered and he was promoted to the post of Sister SG to Matron w.e.f. 1.7.2001. In this background, petitioner is not entitled to promotion to the cadre of Matron prior to 26.5.2000 since petitioner do not fulfill one of the requisite qualification i.e. Post Graduation Course in Administration. Unless and until method of recruitment is amended or diploma in General Nursing and Midwifery is equated to that of Post Graduation Course in Administration, petitioner is not entitled to promotion to the post of Matron prior to 26.5.2000 the date on which petitioner possess the Post Graduation qualification.

Thus, petitioner has not made out a case.

Accordingly, petition stands dismissed.

10.01.2018

rajeev

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No

(P.B. Bajanthri)
Judge