

CWP No.15107 of 2018

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

Sr. No.158

Civil Writ Petition No.15107 of 2018
DECIDED ON: June 01, 2018

MOHINDER KAUR PANNU

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Shailendra Sharma, Advocate,
for the petitioner.

JASPAL SINGH, J.

Ms. Mohinder Kumar Pannu-petitioner has preferred instant civil writ petition, under Articles 226/227 of the Constitution of India, seeking issuance of a writ in the nature of Certiorari thereby quashing promotion order dated 18.05.2018 (P-8) passed by respondent No.1, whereby respondent No.4 has been promoted to the post of Vice Principal against the violation of Article 14 of the Constitution of India as well as Statutory Service Rules.

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2. No doubt, petitioner was appointed as a Sister Tutor in the Department of Health and Family Welfare, Punjab in the month of October, 1997 and thereafter she was given a temporary charge of Vice Principal vide letter dated 17.09.2012 and also held a temporary charge of Principal in view of the letter dated 14.01.2016 issued by respondent No.2. But she stood superannuated on 28.02.2018. Though, she is till stated to be working as an acting/temporary Principal in view of extension granted by the department for a period of one year.

3. At the very outset of the arguments, a question arose as to what locus standi and cause of action, the petitioner has got to prefer instant petition challenging the promotion order dated 18.05.2018 (P-8) issued by the Competent Authority, whereby promoting respondent No.4 as Vice-Principal. It is not the case of the petitioner as per the contents of the petition that she has been deliberately ignored and not considered at the time of consideration of promotion of respondent No.4 by the Departmental Promotion Committee. There is nothing on record to suggest that petitioner is either senior to respondent No.4 or is immediate junior to her. Entire case has been built on the basis of a complaint lodged against respondent No.4 by one Jatinder Kumar who has not come forward for filing any such petition. Otherwise also, said Jatinder Kumar is not stated to be in service of the respondents-department or a colleague of either the petitioner or that of respondent No.4. The petitioner stood retired on attaining the age of superannuation on 28.02.2018. Thereafter, she has nothing to do with promotion of respondent No.4. If certain complaints have been filed by Jatinder Kumar against respondent No.4, it

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is the duty of the respondents-department to consider and deal with the same. But petitioner cannot derive any benefit from the so called complaints lodged by Jatinder Kumar, rather it is suggestive of the fact that petitioner is behind the lodging of the complaints in the name of Jatinder Kumar or by Jatinder Kumar for the reasons best known to her. Instant petition is nothing but an outcome of ill-will of the petitioner with respondent No.4 and has tried to drag unnecessarily the respondents. Instant petition is nothing but the sheer wastage of time of this Court as well as respondents. If the petitioner does not consider it to be the wastage of her time and money shelve by her to file this frivolous petition, then action on the part of the petitioner is depreciable who has not only tried to harm the respondent No.4 but also the Government machinery i.e. Department of Health and Family Welfare, Punjab.

4. Accordingly, without expressing much, instant petition is dismissed with cost to the tune of Rs.10,000/- which shall be deposited in the office of District Legal Services Authority, Ropar, Punjab, within a period of one month. In case of non compliance, Civil Surgeon, Ropar and Drawing and Disbursing Officer of the petitioner, are directed to recover the amount from the salary of the petitioner and depsoited the same with the legal services referred to above. A copy of this order be sent for compliance to the concerned authorities.

June 01, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

Yes/No