

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.19183 of 2018

Date of Decision: 03.08.2018

Smt.Manju Choudhary

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Surender Pal, Advocate, for the petitioner.

RITU BAHRI, J. (ORAL)

Petitioner is seeking quashing the order dated 02.05.2018 (Annexure P-12) as the claim of the petitioner for promotion to the post of District Child Welfare Officer has been rejected and for further setting aside the order dated 02.05.2018 (Annexure P-12) as well as direction to the respondents No.3 to 5 to place the seniority of the petitioner above the respondents No.3 to 5 to the post of Child Welfare Officer.

The petitioner had approached this Court by way of writ petition i.e. CWP No.2026 of 2018 (Annexure P-11) which was disposed of by giving directions to respondents to consider her claim for promotion/seniority while deciding her representation (Annexure P-9). Pursuant to the order passed by this Court on 30.01.2018, the impugned order dated 02.05.2018 (Annexure P-12) has been passed whereby, her representation has been rejected as she has not been held entitled to promote as District Child Welfare Officer before the date of promotion.

appointment letter dated 25.02.2004 and she had submitted her joining after undergoing Medical Examination and fitness on 02.03.2004 but due to some administrative reasons the joining was not accepted by the office and she was allowed to join her duties on 22.06.2004. she has further stated that her joining date may be awarded as 02.03.2004 and her seniority may be placed at appropriate place and consider her case for promotion from the post of P.O to DCWO. The State council had prepared a tentative joint seniority list of Programme Officer (District Cadre), Programme Officer (Hqs Cadre), and Probation Officer, scheme/projects and the same was circulated vide letter dated 08.01.2009 amongst the concerned employees to submit their objections, if any. State Council received various objections from the most of the employees hence, the said tentative seniority list was not finalized and filed. The case of the petitioner has been considered as under:

1. So far as Bhagat Singh-respondent No.3 is concerned who was appointed on adhoc basis w.e.f. 13.03.2003 and lateron he was given running pay scale for his post from the date of his joining i.e. 13.03.2003. Vide note dated 30.09.2003, a proposal was sent to H.E., the Govenor, Haryana to fill up vacancies of Programme Officer (District Cadre) and to regularize the services of incumbents (Programme Officer) who were arready working with the State Council on regular pay scale and the same was approved by H.E., the Governor, Haryana. Thereafter, advertisement published for filling up 14 vacancies and Bhagat Singh was one of the candidates who were already working against the post of Programme Officer in regular pay scale and his service was regularized after following due procedure. He was already in service against the same cadre post i.e. Programme Officer in pay scale and there is no

break of service since 13.03.2003. Bhagat Singh was taken to be senior to the petitioner Ms.Manju Choudhary even if the selection is taken from the same dated and dated of birth of Petitioner and Bhagat Singh is 08.07.1975 and 02.01.1965 respectively. As such, Bhagat Singh is senior to Smt.Manju Choudhary in all respect.

2. Som Dutt Khundia-respondent No.4 was appointed as Programme Officer on adhoc basis w.e.f. 22.09.2000 and lateron he was given running pay scale for his post from 01.03.2003. He was already in service from the date 01.03.2003. His date of birth is 02.05.1972 and even he was senior to the petitioner even the selection was taken to be on the same date. Hence, even he cannot be taken to be junior to the petitioner with regard to paragraph No.5 of the impugned order. It has been further clarified that vacancies were advertised to regularize the services of programme officers who were already in service with the State Council. Since both the persons who were already been regularized pay scale w.e.f. 01.03.2003 and petitioner has joined her service on 22.06.2004, petitioner cannot claim seniority over and above to Bhagat Singh-respondent No.3 and Som Dutt Khundia-respondent No.4.
3. Promila Ahuja was appointed against the post of Hqs Cadre, hence she was never considered at par with the employees of District Cadre. Petitioner was appointed against the post of District Cadres and both the cadre are separate as per their rules and regulations. As such, promotion of Promila Ahuja is not relevant from the petitioner.

In the present case, it was clearly ordered by the H.E.the

District level for which she was appointed. Petitioner had also demanded for pay scale equal to the post of Hqs Cadre, which was rejected by H.E. the Governor, Haryana and ordered that she cannot be demand for the quual grade of Hqs in future and her seniority will be maintained with the District Cadre. As per Service Rules of the State passed by H.E. the Governor, Haryana there are also separate cadre of Hqs employees and District Cadre employees and in view of the reason mentioned above, respondents No.3 and 4 were senior to the petitioner on the district cadre and no junior officer to the petitioner has been promoted to the post of DCWO, petitioner is not entitled for promotion from the date when the above said other officers had been promoted.

So in the view of the above, the impugned order dated 02.05.2018 (Annexure P-12) not reflect any material irregularity or perversity which warrant interference. Hence the present writ petition stands dismissed.

(RITU BAHRI)
JUDGE

03.08.2018

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No