

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

**Civil Writ Petition No. 20557 of 2018 (O&M)
Date of Decision: 05.09.2018**

Mohinder Kaur Pannu

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

JASWANT SINGH, J.

1. Present petition under Article 226 & 227 of the Constitution of India has been filed seeking quashing of promotion order dated 18.05.2018 (**Annexure P-7**) so far as name of the petitioner has been excluded from the list of candidates promoted to the post of Vice Principal.

2. The petitioner was appointed as Sister Tutor in the Department of Health and Family Welfare Punjab in October' 1997. The respondent on 24.08.2012 granted approval to fill seven (07) newly sanctioned posts of Vice Principal in the Nursing School located within the State of Punjab, however, notified the Rules pertaining to recruitment and conditions of services after a delay of five (05) years vide Notification dated 08.09.2017 (**Annexure P-4**). The petitioner was time to time given temporary charge of Vice Principal.

3. Pursuant to Rules framed by State Government, Departmental Promotional Committee under the Chairmanship of Principal Secretary,

Department of Health and Family Welfare Punjab on 23.02.2018 conducted

meeting in which it was decided to fill up six (06) posts of Vice Principal. The Cadre was of six (06) posts as per Rules but there were seven (07) sanctioned posts of Vice Principal, therefore, respondent No. 1 sought clarification from Department of Finance (Punjab) who clarified that approval has already been granted to fill 7 posts, accordingly, they should act at their own level.

4. In the meeting of 28.02.2018, the Departmental Promotional Committee considered candidature of the petitioner who was found eligible/suitable for the promotion to the post of Vice Principal and accordingly her name was approved at Sr. No. 5, however, petitioner superannuated on 28.02.2018 after attaining the age of superannuation. On 28.05.2018, the respondent issued promotion orders wherein name of the petitioner was not mentioned.

5. Learned counsel for the petitioner contended that respondent delayed in deciding promotion of different candidates which resulted into superannuation of petitioner and there is no fault on her part so it is arbitrary and unfair to deny her benefit of promotion.

6. After having scrutinized record and hearing arguments of counsel, this Court finds that present petition is bereft of merits and deserves to be dismissed. Compliance of formalities takes time and as per petitioner herself many candidates retired without being promoted on account of non declaration of Rules even though sanction for the post of Vice Principal was granted in the year of 2012. If the claim of the petitioner is accepted, it would be unjustified and unreasonable to deny claim of those candidates who retired after 2012 and may claim like petitioner. The

petitioner has failed to point out any lapse or *mala fide* intention on the part

of any official which has resulted into denial of promotion on account of her attaining age of superannuation. DPC met on 23.02.2018 and final decision was taken on 28.02.2018 which was implemented on 18.05.2018. This Court does not find any delay much less intentional on the part of respondents which has resulted into present situation. In the absence of any intentional lapse or *mala fide* intentional to deny benefit to petitioner, this Court does not find any reason to interfere and direct respondent to promote petitioner to the post of Vice Principal inspite of the fact that she has already attained age of superannuation.

In view of the aforesaid findings, this Court does not find any merit in the claim of the petitioner, and accordingly present petition is “Dismissed”.

September 05, 2018

'dk kamra'

**(JASWANT SINGH)
JUDGE**

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>