

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

**Civil Writ Petition No. 27826 of 2018 (O&M)
Date of Decision: 21.11.2018**

Ms. Raj Kumari and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Sunil K. Nehra, Advocate
for the petitioners.

JASWANT SINGH, J. (ORAL)

The petitioners, ten (10) in number herein, belong to the Scheduled Caste Category. They were promoted from the rank of Staff Nurse to Nursing Sister from the periods ranging from August 2011 to July 2013 against reserved points meant for Scheduled Caste.

Staff Nurses, belonging to the General Category, filed a writ petition bearing **CWP No. 16815 of 2016** titled as **“Parminder Kaur and others Versus State of Punjab and others”** seeking their promotion to the post of Nursing Sisters with effect from the dates of promotion of the 26 Scheduled Caste Candidates, including the present petitioners being junior to them and having been illegally promoted in excess of the fourteen *per cent* (14%) reservation, provided for the Group-'B' service comprising the rank of Nursing Sister. The said petition is stated to be listed for hearing before this Court on 14.02.2019.

It transpires that to take remedial measures, the Department has issued separate show cause notices dated 29.08.2018 (**Annexure P-4 colly**) for reversion/re-assigning the dates of promotion as Nursing Sisters on their own turn, which have been impugned by the petitioners in the present petition.

It is well settled that against a show cause notice, no writ petition is ordinarily entertained, however, in order to ensure that a transparent action is taken, the State was requested to furnish the basic preliminary information, upon which the proposed action is to be taken.

At the time of hearing, learned State Counsel, Mrs. Anu Chatrath Kapur, Additional Advocate General, Punjab, on instructions from Mr. Mandeep Singh, Senior Assistant, Office of Director, Health & Family Welfare, Punjab, points out that the cadre of Nursing Sister comprises of 410 posts, which fall under the Group-'B' category of employees, and as per the Punjab Scheduled Caste and Backward Classes (Reservation in Service) Act, 2006, fourteen *per cent* (14%) reservation is provided in the promotion to Group-'B' posts, hence, fifty-eight (58) posts were required to be filled up from SC Category. It is also stated that twenty-six (26) Staff Nurses, including the petitioners, were thus inadvertently promoted in the year 2011 to 2013 being excess of their quota, however, on re-determination of the vacancies filled as per quota, some of the show-cause noticees would be entitled to re-assignment of their dates of promotion as Nursing Sister, without inviting reversion order on their own turn in seniority. She further states that speaking orders would be passed in pursuance to the show cause notices.

In view of above, no further adjudication is required in the present writ petition and the same is liable to be disposed of being premature.

“Disposed of as Premature”.

November 21, 2018

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**(JASWANT SINGH)
JUDGE**

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