

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 06.02.2019****CWP No.12014 of 2016**

Dharampal & others ...Petitioners

Vs.

State of Haryana & others ...Respondents

CWP No.13160 of 2016

Gulzar Singh & another ...Petitioners

Vs.

State of Haryana & others ...Respondents

CWP No.13462 of 2016

Surinder Singh & others ...Petitioners

Vs.

State of Haryana & others ...Respondents

CWP No.13862 of 2016

Shashi Kumar & others ...Petitioners

Vs.

State of Haryana & others ...Respondents

CWP No.14318 of 2016

Kailash Chander & others ...Petitioners

Vs.

State of Haryana & others ...Respondents

CWP No.15540 of 2017

Ajaib Singh & others ...Petitioners

Vs.

State of Haryana & others

...Respondents

CWP No.23310 of 2018

Satnarain & others

...Petitioners

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: For the petitioners:

Mr. Sanjay Kaushal, Senior Advocate, with
 Mr. Anurag Goyal, Advocate;
 Mr. Satbir Gill, Advocate;
 Mr. Anil Kumar Sharma, Advocate;

For the State of Haryana:

Mr. Harish Rathee, Sr. DAG, Haryana and
 Ms. Shruti Jain Goyal, DAG, Haryana.

For the private respondents:

Mr. Girish Agnihotri, Senior Advocate, with
 Mr. Vijay Pal, Advocate;
 Mr. Pardeep Singh Poonia, Advocate;
 Mr. Sunil K. Nehra, Advocate;

RAJIV NARAIN RAINA, J. (ORAL)

1. This order will dispose of above the mentioned writ petitions, as common questions of law and facts are involved in them, which can conveniently be decided by a common order.

2. Having heard Mr. Sanjay Kaushal, learned senior counsel assisted by Mr. Anurag Goyal, Advocate, for the petitioners; Mr. Harish Rathee, Sr. DAG, Haryana, for the State of Haryana; Mr. Girish Agnihotri, learned senior counsel assisted by Mr. Vijay Pal, Advocate; and Mr. Sunil K. Nehra, learned counsel representing the private respondents at

considerable length on the seniority dispute and having regard to the fact of State Government drawing the final seniority list of C&V Sanskrit Teachers only for the purpose of promotions on the post of PGTY & Elementary School Head Master, made after receiving and considering objections from the stake-holders, these petitions are disposed of by passing the following directions:

- (i) The State Government will revisit the case of promotions of all the petitioners; the private respondents and other stake-holders, who may be likely to be effected by the review exercise ordered today and accordingly make further promotions based on the precepts in the Haryana State Education School Cadre Group-B Service Rules, 2012;
- (ii) The State Government will examine the cases of junior persons, who may have been promoted during the interregnum and decide on their rights by taking an independent decision in accordance with law and prevailing rules and grant to deserving and eligible persons the consequential benefits resulting from re-fixation of promotions according to the vacancies, as they arose from time to time.
- (iii) Any benefit to anyone of the parties or other similarly placed persons will remain notional to them and actual from the dates appointed by the State Government in each case.

- (iv) The impugned order dated 06.05.2016 shall be revisited by the State Government in accordance with the final seniority list dated 19.01.2019. The State Government will keep in mind the date of consideration when the promotion orders dated 06.05.2016 were passed by giving due weightage to eligibility, qualifications etc.
- (v) Both the disputing sides will be heard in a representative capacity by a Teacher/s representing the two view points. The two groups will nominate their representative/s, which should not be more than three and communicate the names to the Government for the Department to call them for a hearing as and when deemed necessary but within reasonable time specified in the succeeding direction (vi). The State Government will issue a schedule of date, time & venue for hearing and communicate the same to the representative/s for appearance. The authority competent to pass the final order will alone hear and decide the cases and would deal with the contentions parties may wish to make in writing.
- (vi) The entire exercise be carried out within a period of three months from the date of receipt of certified copy of this order.

3. In view of the above, the stay order is vacated. However, the State Government will maintain status quo till the final decision is not taken. Promotions, if any, meanwhile made in the exigencies of administration, if found necessary and expedient, will remain subject to the final outcome of

the exercise. And it may so be incorporated in the provisional promotion order/s.

4. It may be recorded that 138 persons promoted in the subject of TGT (Sanskrit) to PGT earlier will not be disadvantaged merely because this Court had passed an ad interim stay. The Government will take a decision on how to treat the period in the shadow of stay order having regard to the seniority determined in the final seniority list and their eligibility for promotion to the higher post as per the rules, 2012.

5. It may also be recorded that in the connected cases involving cases of subjects other than Sanskrit and Punjabi, the stay granted earlier were vacated by orders of this Court. This order will mutatis mutandis apply to the connected cases relating to teachers of other subjects.

6. It is ordered accordingly. Petitions stand disposed of.

06.02.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
No