

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-20489-2019

Date of decision: - 26.07.2019

Jaswinder Kaur

....Petitioner

Versus

Punjabi University Patiala and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- None for the petitioner.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, petitioner is claiming the step up of her pay equivalent to the pay of reserve category candidate, who though junior, was promoted in preference to her on the basis of reservation.

As per the averments made in the petition, petitioner was senior to one Smt. Shanta Devi and the said Smt. Shanta Devi was promoted as an Assistant Superintendent in preference to her in the year 1986 on the basis of reservation and the petitioner was promoted as such on 22.12.2001 and therefore, caught Smt. Shanta Devi in the cadre of Assistant Superintendent on the said date.

It is further being averred by the petitioner that Smt. Shanta Devi was further promoted as a Superintendent on 18.12.2008 again on the basis of reservation, whereas, petitioner was promoted as a Superintendent on 25.11.2011 and again caught Smt. Shanta Devi in the cadre of Superintendent.

As per the averments made in para No.4 of the writ petition, Smt. Shanta Devi was again promoted as an Assistant Registrar on the basis of reservation on 13.12.2011, whereas, petitioner was promoted on the said post on 01.06.2015 and therefore, the petitioner caught Smt. Shanta Devi in the cadre of Assistant Registrar as well and hence, keeping in view the law laid down by this Court in **Ajit Singh Januja Vs. State of Punjab and others**, 1996(2) SCC 715, petitioner became senior to Smt. Shanta Devi in all the cadres on the dates when she got promotion on the same and therefore, petitioner became entitled to get the higher pay till Smt. Shanta Devi remained in the cadres where the petitioner had caught her. Claim of the petitioner is for step up of pay equivalent to Smt. Shanta Devi and when petitioner remained senior to her in all the cadres.

From the averments, it transpires that for the relief, which has been sought in the present writ petition, petitioner has also served the respondents with a legal notice on 14.05.2019 (Annexure P-6), which is still pending consideration with the respondents.

Interest of justice will be served, at this stage, in case a time bound direction is issued to the respondents to decide the said legal notice by passing an appropriate speaking order.

Without expressing any opinion on the merits of the case and entitlement of the petitioner in respect of the claim made in the writ petition/legal notice, the respondents are directed to decide the legal notice dated 14.05.2019 (P-6) within a period of three months from the date of receipt of a certified copy of this order.

Present writ petition stands disposed of

July 26, 2019
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No