

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

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Civil Writ Petition No.18871 of 2015 (O&M)
Date of Decision: February 12th, 2020

Sudagar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Buta Singh Bairagi, Advocate
for the petitioner.

Ms. Devki Anand Sullar, Assistant Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

On 06.01.2020, when this case was taken up for hearing,
following order was passed:-

“Petitioner has approached this Court claiming promotion as Head Teacher with effect from 29.10.2009 when his juniors were promoted in District Moga as per Annexure P-6.

In the reply which has been filed District Education Officer (Elementary Education), Moga, what has been asserted is that the petitioner stands promoted as Head Teacher with effect from 31.08.2016 (Annexure R-3).

This does not specify the claim of the petitioner. The reply which has been filed by the District Education Officer (Elementary Education), Moga, dated 27-01-2017 does not indicate as to whether the persons mentioned in Annexure P-6 were junior to the petitioner or not. In case the said persons are junior to the petitioner in District Moga in the seniority list, where the petitioner claims himself to be having seniority No.12A (Annexure P-7), petitioner would be entitled to promotion from the date his juniors were promoted i.e. 29.10.2009.

Let a specific affidavit be filed by the

Director Public Instructions (Elementary Education), Punjab, explaining the factual position in this regard, especially with reference to the claim of the petitioner as recorded above.

The said affidavit be filed within a period of three weeks.

List on 12.02.2020.”

2. In pursuance to the said order, short affidavit dated 27.01.2020 of Director Public Instructions (Elementary Education), Punjab, has been filed in Court. In paras 2 and 3 thereof, it has been stated as follows:-

“2. That in this regard, it is submitted that the petitioner joined as JBT teacher in district Ferozepur on 22.3.1988. The petitioner was transferred from district Ferozepur to district Moga during general transfer vide order dated 11.12.2000. It is worthwhile to mention here that the post of Elementary Trained Teacher is of district cadre. Meaning thereby, a teacher of this cadre can be transferred within the same district. However, if any employee of district cadre wants to be transferred out of district then the seniority of such teacher is placed at the tail of that district. The petitioner joined district Moga on 12.12.2000. The seniority of the petitioner was placed at the tail of district Moga at that time. It is worthwhile to mention here that specific orders were recorded in the Service Book of the petitioner and the same was noted by the petitioner. In this regard the Govt. of Punjab Department of Personnel (PP-3) letter No. 14/28/2013-3P.P3/612609/1 dated 20.10.2015 is attached for the kind perusal of this Hon'ble Court.

3. That the seniority of the petitioner was fixed at Sr. No.167 in district Moga. The petitioner has referred the names of 07 candidates vide Annexure P-6. A perusal of Annexure P-6 reveals that all 07 candidates whose

names mentioned in Annexure P-6, initially joined district Moga during the year of 1988, 1994 and 1999 respectively. However, present petitioner joined district Moga by way of transfer on 12.12.2000. Therefore, all 07 candidates whose names mentioned in Annexure P-6 are senior to petitioner. It is further submitted that the petitioner has been rightly promoted on 31.08.2016 as Head Teacher as per seniority. It is further submitted that seniority No.12A was never allotted to the petitioner as per record as well as information provided by District Education Officer (Elementary Education) Moga. The petitioner as well as respondent No. 5 i.e. Surinder Mohi can explain the position regarding allotment of seniority No. 12A to the petitioner in better way. Moreover, no document or other is available in the record of District Education Officer (Elementary Education) Moga vide which seniority No. 12A was allotted to the petitioner.”

3. In the light of the above, it cannot be said that petitioner is senior to the persons, he has referred to, as it is a District cadre and the petitioner has joined District Moga subsequent to the persons, as have been mentioned by the petitioner.

4. In view of the above, the writ petition is disposed of keeping in view the fact that the petitioner stands already promoted to the post of Head Teacher.

5. In the light of the disposal of the writ petition, all pending applications stand disposed of as infructuous.

February 12th, 2020
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No