

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

CWP No.7568 of 2015 (O&M)

Date of Decision: 11.02.2020

Raghbir Kaur

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Sunil Polist, Advocate,
for the petitioner.

Mr. Randhir Singh, Advocate,
for respondent-State.

RITU BAHRI, J. (ORAL)

Petitioner is seeking quashing of the order dated 28.01.2015 (Annexure P-8), whereby her claim for promotion to the post of Principal, has been rejected by the respondent No.1.

Earlier, the petitioner had approached this Court by filing CWP No.21883 of 2011 seeking direction to the respondents to promote her to the post of Principal from the post of Lecturer. The said petition was disposed of on 30.09.2014 by giving direction to the respondents to take a final decision on the claim made by the petitioner, within a period of four months.

A perusal of this order shows that vide order dated 20.07.2007, petitioner was promoted as Principal in HES-II cadre in officiating capacity. As the petitioner was undergoing treatment, at the time, from Delhi Fertility Research Centre, Delhi, she could not join as Principal and refused to get

promotion. After getting treatment, petitioner gave birth to twins and thereafter, she made a representation dated 02.05.2008 (Annexure P-4) to the department to give her promotion. When no action was taken thereon, she made another representation dated 31.01.2011 (Annexure P-6). In this backdrop, direction was given to the respondents to consider her case.

After filing CWP No.21883 of 2011, the petitioner has retired on 30.11.2011. In compliance with the order dated 30.09.2014 passed by this Court in 21883 of 2011, impugned order dated 28.01.2015 (Annexure P-8) has been passed, whereby her claim has been rejected.

Learned counsel for the petitioner has vehemently argued that though, the petitioner was promoted as Principal in HES-II cadre on 20.07.2007, but she could not join and forgone her promotion as she give birth to twins. Subsequently, she made a representation on 02.05.2008 seeking promotion to the post of Principal, which was never considered by respondent-department.

A perusal of the impugned order dated 28.01.2015 shows that representation made by the petitioner on 02.05.2008 was never found in the official file and even in the subsequent representation dated 05.02.2011, no reference was made with regard to her first representation dated 02.05.2008. Further, no explanation was given, as to why she waited for 2½ years to make second representation. With regard to the second representation, it was observed that the petitioner was to retire on 30.11.2011 and at the fag end, she made this representation to promote her. It was further observed that the petitioner had no interest to work as Principal, but she only wanted to get financial benefits, therefore, she made this representation for getting

promotion. With these observations, representation of the petitioner has been dismissed vide impugned order dated 28.01.2015 (Annexure P-8).

No replication has been filed by the petitioner to show that her representation dated 02.05.2008 had ever been received officially by the respondents. Even, while disposing of the petition (CWP No.21883 of 2011) by this Court on 30.09.2014, direction was given to take a final decision on her claim for the post of Principal. After going through the entire facts of the case, this Court is of the view that claim of the petitioner has been rightly rejected by the competent authority. No ground for quashing of the impugned order, as prayed for, is made out.

No merits.

Dismissed.

(RITU BAHRI)
JUDGE

11.02.2020
ajp

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No