

In the High Court of Punjab and Haryana at Chandigarh

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CWP-7166-2022 (O & M)

Date of Decision: April 05, 2022

MADHU BALA

.....PETITIONER

VERSUS

**DEENBANDHU CHHOTU RAM
UNIVERSITY AND OTHERS**

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Bhupinder Malik, Advocate for the petitioner.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking quashing of impugned office order No.203 dated 22.03.2022 whereby respondents No.4 and 5 have been promoted to the post of Deputy Superintendent.

Learned counsel for the petitioner contends that the petitioner had been appointed as Matron on 31.12.2009 while respondents No.4 and 5 had been appointed as Clerk-cum-Data Entry Operator on 01.04.2010 and 26.03.2010. The petitioner was promoted as Assistant-cum-Data Entry Operator on 27.12.2016 while respondents No.4 and 5 were promoted as Assistant-cum-Data Entry Operator on 21.04.2015. He further submits that respondents have amended the rules in the year 2013 to incorporate a condition of 02 years experience as a clerk. He also contends that respondents have been further promoted to the post of Deputy Superintendent by the orders dated 22.03.2022. He further submits that the petitioner has been denied the promotion at this stage because of lack of requisite experience as a Clerk, although it was not the fault of the petitioner as she was not assigned the duties of a clerk. He also submits that the respondents could have exercised the power of relaxation in experience and promoted the petitioner as had been done in the case of two other

employees. He also contends that when respondents No.4 and 5 were promoted as Assistant-cum-Data Entry Operators on 21.04.2015, the respondents have stated that the petitioner does not have two years of requisite experience as a Clerk.

Heard.

The petitioner had been promoted as an Assistant-cum-Data Entry Operator on 27.12.2016 while respondents No.4 and 5 had been promoted as Assistant-cum-Data Entry Operator on 21.04.2015. This order has not been challenged by the petitioner. Respondents No.4 and 5 have been promoted as Deputy Superintendents and in the reply to the legal notice sent by the petitioner, the respondents have stated that as and when the petitioner completes the requisite experience as a Clerk, her case would also be considered for promotion. Insofar as the contention of the learned counsel for the petitioner that the respondents should exercise the power of relaxation in experience, the same cannot be accepted for the reason that the power of relaxation appears to have been exercised in favour of two employees in the year 2016 and 2019 for the post of Driver and Lab Technician while the petitioner is seeking promotion as Deputy Superintendent. The petitioner has not cited any instance wherein similar relaxation had been granted for promotion to the post of Deputy Superintendent.

Consequently, I do not find any merit in the petition, which stands dismissed.

However, the case of the petitioner would be considered for promotion to the post of Deputy Superintendent when she fulfills the requisite experience.

(ANUPINDER SINGH GREWAL)
JUDGE

April 05, 2022
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No