

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 14503 of 2007(O&M)
Date of decision: 20.04.2023

Chuni Lal and others

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Inayat Khullar, Advocate
for the petitioners.

Mr. R.K.Kapoor, Addl.A.G., Punjab

ANIL KSHETARPAL, J(Oral)

1. With the consent of the learned counsels representing the parties, the writ petition is taken on Board.

2. The petitioners pray for the issuance of a writ in the nature of mandamus to direct the respondents to consider and to give proforma promotions as Principal in PES Class-II with effect from 12.12.1996, the date when the persons juniors to them were promoted.

3. While contesting the writ petitions, the State of Punjab has disclosed that the petitioners were given accelerated promotion based upon reservation. Subsequently, respondent no.3, who was a senior in the feeder cadre was promoted when the petitioners were still working as the Head Masters. While giving the benefit of the catch up rule as enunciated in **Ajit Singh and other (II) Vs. State of Punjab and others (1999)7 SCC 209**, the Hon'ble 5 Judge Bench held that if a junior because of the accelerated promotion is promoted prior to their senior but the person who was senior is

promoted subsequently, the general category candidate will be considered senior again. Hence, the petitioner cannot claim to be a senior to respondent no.3 in the cadre of Head Masters. Moreover, the petitioners have also been promoted as Principals with effect from 18.10.2005 and on attaining the age of superannuation they have retired.

4. In view of the aforesaid facts, no ground to issue the writ as prayed for is made out.

5. Dismissed.

6. All the pending miscellaneous applications, if any, are also disposed of.

April 20, 2023
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(ANIL KSHETARPAL)
JUDGE

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