

IN THE PUNJAB AND HARYANA HIGH COURT
AT CHANDIGARH

CWP No. 12575 of 2022 (O&M)
Date of Decision: 07.12.2023

Dr. Sukhraj KaurPetitioner
vs.
State of Punjab and anotherRespondents

Coram: Hon'ble Mr. Justice Sanjeev Prakash Sharma

Present Mr. Mohit Garg, Advocate, for the petitioner.

Mr. Charanpreet Singh, Assistant Advocate General,
Punjab.

Sanjeev Prakash Sharma, J.

Prayer of the petitioner in the present petition is for issuance of direction to the respondents to promote her to the post of Associate Professor with effect from 11.06.2019, the date when the similar situated employee namely, Dr. Jasbir Singh, has been promoted.

2. Admittedly, the petitioner is the senior most Assistant Professor. She has been, therefore, given the responsibility of Head of Department of Biochemistry.

3. Learned counsel for the petitioner submits that the petitioner has not been granted her due benefits while deciding her seniority as Assistant Professor. It was specifically directed that she has become eligible for next promotion as Associate Professor on 11.06.2019 when she had already attained four years of experience. The Superintendent also directed that DPC may be held within one month. However, it appears that on account of Covid, the DPC

exercise has not been conducted. No reasons are coming forward from the respondents for not conducting DPC.

4. Having noticed above, this Court finds that while there may not be any provision for year-wise promotion but at the same time the State authorities cannot arbitrarily sit over decisions taken for convening the DPCs and deprive persons from their rightful promotion against vacant posts lying in the department. Since the petitioner as an Assistant Professor Heads Department of Biochemistry obviously there are higher posts available which have not been filled deliberately. Denying promotions also results in denying higher salary to which the person would be entitled. Once the claim of the petitioner has already been settled by the Superintendent, her entitlement of promotion would be inherent.

5. Accordingly, this writ petition is allowed. The respondents are directed to take steps for convening DPC. If the petitioner as well as others, who are within the zone of consideration, found suitable by the Departmental Promotion Committee will be considered and promoted for the post of Associate Professor and for Professor accordingly.

6. The entire exercise for above shall be conducted within a period of two months.

7. No costs.

8. All pending applications also stand disposed of accordingly.

07.12.2023

vs

Whether speaking / reasoned

Whether Reportable

[Sanjeev Prakash Sharma]

Judge

:

:

Yes / No

Yes / No