

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-13139 of 2016 (O&M)

Date of decision: 24.02.2023

Ashok Kumar

..Petitioner

Versus

State of Punjab and others

..Respondents

CWP-13675 of 2016 (O&M)

Naib Singh and another

..Petitioners

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kapil Kakkar, Advocate
for the petitioner (in CWP-13139 of 2016)

Mr. Vivek Sharma, Advocate
for the petitioners (in CWP-13675 of 2016)

Mr. D.K.Singal, Addl.A.G., Punjab

ANIL KSHETARPAL, J(Oral)

1. These two connected writ petitions have come up for final disposal.

2. The petitioner in the Civil Writ Petition No.13139 of 2016, prays for the issuance of a writ in the nature of mandamus directing the respondents to consider the petitioner for promotion to the post of Lecturer of Mathematics subject because his junior(respondent no.4) has already been promoted with effect from 17.05.2012.

3. It has been highlighted that on account of a typographical mistake in the seniority list dated 19.06.2019, the petitioner's promotion has not been considered by the concerned authority.

4. In *Harbhajan Singh and others vs. State of Punjab and another* (CWP-28434 of 2019, decided on 15.02.2023) the seniority list dated 19.06.2019 has been quashed, while directing the respondents to re-frame the seniority list in accordance with the Punjab State Education Class-III (School Cadre) Service Rules, 1978, within a period of 6 months.

5. Keeping in view the aforesaid facts, at this stage, it would not be appropriate to issue any writ particularly when inter-se seniority of the members of the Masters Cadre is in a state of reconsideration and transmission.

6. Consequently, the writ petition is disposed of by directing the respondents to consider the petitioner's case for promotion immediately on the finalization of the seniority list, if the petitioner is found entitled, with effect from the date his juniors were promoted.

7. In Civil Writ petition No.13675 of 2016, though the petitioner no.1 has been promoted as a Lecturer, however, the claim of the remaining petitioners as well as the claim of petitioner no.1 from the date his juniors were promoted is required to be considered in terms of the directions issued in *Harbhajan Singh and otehrs vs. State of Punjab and another* (CWP-28434 of 2019, decided on 15.02.2023).

8. Both the writ petitions are disposed of accordingly.

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

February 24, 2023
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(ANIL KSHETARPAL)
JUDGE

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