

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

222

CWP-14006-2018

Date of Decision: 28.07.2023

Manjit Kaur

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. V.K. Shukla, Advocate
for the petitioner.

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

SANJEEV PRAKASH SHARMA, J (ORAL)

1. The petitioner by way of this petition has prayed to relate back her appointment from the date one Lecturer Surinder Kaur was appointed i.e. on 04.08.1999.

2. Learned counsel for the petitioner submits that an advertisement was issued in the year 1992 for appointment of Lecturers in various subjects. The services of all the Lecturers, who were appointed including the petitioner, were terminated on 13.11.1997 in view of the fact that the posts were filled beyond the number of posts advertised, promulgated the Punjab Recruitment of Teachers Ordinance 1999 and this Court in CWP-8457-1999 directed that if the candidates who were selected prior to June 8, 1999 for appointment in the cadre of Lecturers or Headmasters/Headmistress of Social Studies, Mathematics, Punjabi, Hindi, D.P. Ed, Science, P.T.I., Art and Craft, Sewing, Sanskrit and Vocational, are available, then such candidates shall be first appointed against the vacant posts including those

sanctioned with retrospective effect. The remaining posts may be filled by appointing those persons who were appointed in pursuance of the advertisement issued in 1992 and nullified by this Court in ***CWP-5984-1994*** titled '***Yashwinder Singh Rana and others Vs. State of Punjab and others***', ***decided on 28.09.1994***. Their appointments shall be purely temporary and would not confer any right. It is submitted that in terms of the order passed by the Court dated 04.08.1999, the concerned Surinder Kaur, Lecturer was appointed, vide order dated 31.08.1999 as a Punjabi Lecturer. The petitioner moved an application, whereafter this Court, vide order dated 24.07.2001 observed that the State was already in the process of offering appointment to the petitioner and thus, the petitioner's application was disposed of as having become infructuous, with liberty to file miscellaneous application for further direction, if any, necessity so arises. The petitioner was thereafter offered appointment on 31.08.2001 and after having been appointed, the petitioner did not move any application in the said pending CWP-8457-1999. The petitioner has been regularized subsequently, vide order dated 29.04.2014 but even thereafter, she did not move any application for being given retrospective appointment from the date Surinder Kaur was appointed and preferred a writ petition in 2018.

3. The respondents have filed their reply and denied the claim of the petitioner firstly on the ground that the petitioner cannot have any list in which Surinder Kaur stands. She is appointed in a different subject. Moreover, Surinder Kaur has not been impleaded as a party to the present petition. The petitioner's claim has also been denied on the ground of delay and laches.

4. I have heard learned counsel for the parties at length and have considered the submissions.

5. This Court finds that the petitioner did not move any application although, liberty was granted by this Court while passing an order in her favour in CWP-8457-1999. After delay of 17 years of her appointment, she cannot turn around and claim her appointment from the back date claiming parity with some one else who is not even a party in the present petition.

6. Keeping in view the above, no relief can be granted to the petitioner in the present petition and accordingly, the same is dismissed.

28.07.2023*D.Bansal***(SANJEEV PRAKASH SHARMA)
JUDGE**

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