

In the High Court of Punjab and Haryana, at Chandigarh**Civil Writ Petition No. 20911 of 2015****Date of Decision: 18.05.2023**

Sunita Devi

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Ms. Sonia G. Singh, Advocate
for the petitioner(s).

Mr. R.K.Kapoor, Additional Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

1. The challenge is to the correctness of the impugned order dated 18.01.2011 whereby the petitioner was debarred from claiming promotion for a period of two years as she failed to join at the promoted post. Subsequently, the petitioner has been promoted as a Lecturer on 03.07.2016.

2. Heard the learned counsel representing the parties, at length and with their able assistance, perused the paper-book.

3. On 15.10.2009, the petitioner was promoted as a Lecturer and was provisionally posted at the Government High School, Chaggran. She submitted her joining to the Headmistress, Government High Court, Chaggran on 30.10.2009. Thereafter, she was posted as a Lecturer at the Government Senior Secondary School, Rail Coach Factory, Hussainpur, District Kapurthala, vide order dated 11.12.2009, but she did not obey her posting order and made representation that she be posted at the Government Senior Secondary School, Mahilpur (Boys), District Hoshiarpur, which was acceded to. However, when she went to join as a Lecturer at the Government Senior Secondary School, Mahilpur (Boys), District Hoshiarpur, it was found that she did not bring her Relieving Certificate from the Headmistress,

Government High School, Chaggran.

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4. As the petitioner did not join at the Government Senior Secondary School, Rail Coach Factory, Hussainpur, District Kapurthala, pursuant to her posting order dated 11.12.2009, hence, she was debarred from promotion for a period of two years, in accordance with the Rules.

5. The learned counsel representing the petitioner contends that once the petitioner's request for her posting at the Government Senior Secondary School, Mahilpur (Boys), District Hoshiarpur, was accepted, then, the impugned order, so passed, is not justified.

6. It would not be noted here that the writ petition was filed in the month of September, 2015, whereas, the impugned order was passed on 18.01.2011. There is an unexplained delay and laches for a period of 4 years and 8 months. Moreover, the positing of the petitioner at the Government Senior Secondary School, Rail Coach Factory, Hussainpur, District Kapurthala, was pursuant to a promotion order. She was expected to first join and thereafter, make a representation.

7. Keeping in view the aforesaid circumstances, this Court, in exercise of its jurisdiction of judicial review, does not find it appropriate to interfere. Consequently, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

May 18, 2023
"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No