

2023:PHHC:152956
CWP-4857-2017
Date of Decision: 01.12.2023

Geeta Rani

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMAPresent Mr. Shreesh Kakkar, Advocate for
Mr. Kapil Kakkar, Advocate for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner has challenged the clause of appointment letter whereby she was informed that upon joining as Head Mistress in the State Government, she would be governed under the 'New Pension Scheme' while the petitioner was already governed under the 'Old Pension Scheme' as she was already working in the aided institution.

2. A number of writ petitions came up before this Court challenging the said clause of the appointment letter and in CWP-20128-2006, titled as **Kashmiri Lal vs. State of Punjab and others**, decided on 28.11.2013, the said clause was held to be unjustified. Similarly, in CWP-5532-2015, titled as **Jasvinder Singh vs. State of Punjab and others**, the said clause in the appointment letter was held to be unjustified.

3. Learned counsel submits that on account of such a clause in the appointment letter, she was prevented from joining on the new post and as the said clause has already been declared illegal, she should be allowed to

join on the post of Head Mistress.

4. I have considered the submissions and find that offer of appointment was issued to the petitioner on 01.12.2006 but did not join the post. She could have always submitted her joining letter by getting her right reserved to challenge the said clause. Having not done so for a period of more than 17 years, now this Court would not grant relief to allow the petitioner to join on the post of Head Mistress. More so, she voluntarily continued to work in the previous aided institution.

5. The writ petition fails and is dismissed accordingly.

6. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

01.12.2023.

rajesh

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No