

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

201 (08 Cases)

(1)CWP-17921-2013

Date of Decision : October 31, 2023

Harjinder Kaur and others

...Petitioners

Versus

State of Punjab and others

... Respondents

(2) CWP-15737-2020

Parveen Kaur and others

...Petitioners

Versus

State of Punjab and another

... Respondents

(3) CWP-19981-2021

Surinder Kaur

...Petitioner

Versus

State of Punjab and others

... Respondents

(4) CWP-20455-2021

Tejinder Kaur

...Petitioner

Versus

State of Punjab and others

... Respondents

(5) CWP-22765-2021

Anju Bala and another

...Petitioners

Versus

State of Punjab and others

... Respondents

(6) CWP-22787-2021

Karamjit Kaur and another

...Petitioners

Versus

State of Punjab and others

... Respondents

(7) CWP-10471-2022

Karamjit Kaur

...Petitioner

Versus

State of Punjab and others

... Respondents

(8) CWP-11954-2020

Amarjeet Kaur

...Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. G.S. Bal, Senior Advocate with
Mr. Dilshad Singh Gill, Advocate for the petitioners
in CWP-17921-2013, CWP-19981-2021, CWP-20455-2021
CWP-22787-2021 & CWP-10471-2022.

Mr. D.S. Patwalia, Senior Advocate with
Ms. Sehar Navjeet Singh, Advocate for the petitioners
in CWP-15737-2020.

Mr. Rishav Mahajan, Advocate for the petitioners
in CWP-11954-2020.

Mr. Paras Khindri, Advocate for
Mr. Krishan Kumar Thakur, Advocate for the petitioners
in CWP-22765-2021.

Mr. Gurpreet Singh, Addl. A.G. Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

1. By this common order, above mentioned eight writ petitions are being disposed of as all the writ petitions involve the same question of law on similar facts.

2. Additional affidavit of Mr. Gaurav Toora, Assistant Inspector General of Police, Personnel-II, Punjab filed on behalf of respondents No.1 to 3 in the Court today is taken on record.

3. In the present bunch of petitions, the grievance of the petitioners is qua placing them at a lower position in the seniority list than the employees who were junior to them, which action of the respondents has caused prejudice to them.

4. Learned Senior counsel appearing for the petitioners submits that while the petitioners were working in the women cadre, certain

promotions were granted to the junior employees, which benefit has not been granted in their favour after the women cadre has been merged, which action of the respondents is arbitrary and illegal.

5. Another argument which has been raised by the learned Senior counsel for the petitioners is that certain employees i.e. male as well as female, who were junior to the petitioners either in the merged cadre or in the separate cadre (women) have already been granted promotion in preference to the petitioners, which is causing prejudice to them hence, the respondents are under an obligation to consider the claim of each petitioner on merits keeping in view the facts and circumstances of each case and thereafter decide their claim as to whether each petitioner, in the facts and circumstances of a particular case, is entitled for promotion with retrospective effect or not and that too by passing a speaking order giving reasons either accepting or rejecting the claim of the petitioners.

6. Learned Senior counsel for the petitioners further submits that certain averments made in the affidavit, which has been filed on behalf of respondents No.1 to 3 in the Court today are not correct qua the benefits, which have been extended to the petitioners therefore, a Committee be directed to consider the claim of the each petitioner independently qua any observation made in the affidavit.

7. Learned State counsel submits that as per the affidavit filed today, a Committee has already been constituted, details of which have been given in para-3 of the affidavit and the said committee will consider the claim of each of the petitioner in case the same is raised before the committee within a period of 04 weeks from today and the said claim will be

decided independently on the basis of the averments made in the claim petition coupled with the facts, which exist as per the record of the department and an appropriate order will be passed by the committee on each claim by giving due reasons for the conclusion reached.

8. Learned counsel for the respondents further submits that in order to pass a appropriate order, all the petitioners, who will file a claim petition will also be given an opportunity of personal hearing so as to present their claim before the committee so that no fact escapes from the mind of the committee while deciding the claim of each petitioner and appropriate order will be passed within a period of 08 weeks from the date of receipt of any such claim.

9. Learned Senior counsel appearing for the petitioners accepts the proposal of the learned State counsel.

10. Keeping in view the above, present petitions are disposed of in terms of the request of the petitioners that the petitioners will approach the respondents by way of filing a claim petition raising all the grievance including the details/names of the persons junior to them, who have already been granted benefit of promotion prior to the petitioners and the committee which has already been constituted as per the affidavit dated 30.10.2023 filed on behalf of the respondents, will consider the claim of the each petitioner on merits keeping in view the averments made in the claim petition coupled with the record of the respondent-department and pass an appropriate order within a period of 08 weeks from the date of receipt of claim petition. Petitioners will also be given an opportunity of personal hearing.

10. Let the claim petition be addressed to the Assistant Inspector General of Police, Personnel-II, Punjab, who is the head of the committee.
11. All the writ petitions stand disposed of in above terms.
12. Civil miscellaneous application pending, if any, is also disposed of.
13. Copy of this order be placed on the files of connected cases.

October 31, 2023
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

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