

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

CWP-20945-2013 (O&M)

Date of decision: 09.03.2023

Rajni Sharma and others

....Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Madhave Pokhrel, Advocate for
M.L.Sachdeva, Advocate for the petitioners

Mr. R.K. Kapoor, Addl. AG, Punjab

Mr. Vikas Chatrath, Advocate
Mr. Nitin Kaushal, Advocate and
Mr. B.S.S.Thakur, Advocate for respondent no. 5, 8, 10,
13, 14, 17 to 19, 22 to 25, 27, 28, 30, 32 to 34, 36 to 40,
42 to 45 and 48

ANIL KSHETARPAL, J (Oral)

1. The petitioners pray for issuance of a writ in the nature of Certiorari to quash the speaking order passed on 19.07.2013 by which their claim for the grant of benefit of seniority and pay fixation has been rejected.

2. The relevant facts are required to be noticed, in brief.

3. The petitioners possess the qualification of B.A, B.Ed. They applied for the recruitment of 7230 posts of the JBT/ETT teachers pursuant to the recruitment notice dated 02.04.2000. As per the recruitment notice, a candidate should have passed the ETT course of 2 years duration from the State of Punjab. The candidates with B.A, B.Ed qualification were also entitled to apply but their cases could be considered, only if the candidates with the required ETT qualification

were not available. Certain candidates with ETT qualification were recruited in December, 2001 whereas the appointment letters were issued to the petitioners on 02.04.2002. They claim that certain appointments have been made pursuant to a subsequent recruitment notice issued in the year 2001. The petitioners claim that their appointment for the purpose of seniority and pay fixation is required to be ante dated i.e before the appointment letter was issued to the candidates who were appointed pursuant to the subsequent recruitment notice issued in the year 2001.

4. Learned counsel representing the petitioners failed to draw the attention of the Court to any rules enabling the Department to grant the petitioners seniority or pay fixation before they were born in the cadre. Moreover, the writ petition has been filed in 2013, whereas the petitioners were appointed in the year 2002. Obviously the writ petition suffers from unexplained delay and laches.

5. Hence, dismissed.

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

09.03.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE