

2024.PHHC:106734

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CWP-6953-2002 (O&M)

215-2

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

**CWP-6953-2002 (O&M)
Date of Decision: 20.08.2024**

SHAKUNTLA DEVI

..... PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Ravi Verma, Advocate
for the petitioner.

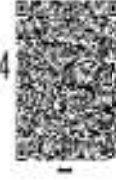
Ms. Tanushree Gupta, DAG, Haryana
for respondent Nos. 1 and 2.

Mr. Ashwani Talwar, Advocate with
Mr. Nikhil Sehrawat, Advocate
for respondent No. 3.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter-alia* seeking a writ of *mandamus* directing the second respondent to consider the petitioner's case for promotion as Lecturer in Hindi with effect from 10.03.1998, i.e., the date when her junior was promoted.

2. Learned counsel for the petitioner contends that the petitioner

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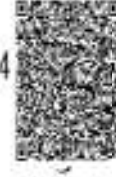
was appointed as Hindi Teacher in the respondent-Department on ad-hoc basis on 12.03.1981, and respondent No. 3 was so appointed on 02.08.1982. Both of them belong to the Backward Class category and were regularised in service as Hindi Teacher with effect from 01.11.1986. No seniority list was circulated by the Department, however, as apparent from office order dated 10.06.1998, Annexure P-4, respondent No. 3 was promoted as Lecturer in Hindi with effect from 10.03.1998. He further contends that another similarly placed employee belonging to the same cadre approached this Court by filing the *Civil Writ Petition No. 9168-2000* titled *Savita Yadav vs. State of Haryana* claiming promotion with effect from 24.02.1998, i.e., the date from which respondent No. 3, who happened to be her junior as well, was promoted as Lecturer in Hindi. During pendency of the petition, the Department vide order dated 06.12.2000, promoted Savita Yadav as Lecturer in Hindi with effect from 24.02.1998. Therefore, there is no reason for denying the same benefit to the petitioner as well, since she is similarly placed.

3. Learned State counsel is not in a position to dispute the facts as stated above.

4. Heard.

5. Since undisputedly the petitioner's junior/ respondent No.3 was promoted as Lecturer in Hindi with effect from 10.03.1998, vide order dated 10.06.1998, the petitioner's claim for promotion from the said date cannot be declined. Especially when the Department itself have granted similar relief to another employee vide office order dated 06.12.2000.

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6. In view thereof, the writ petition is allowed and respondent Nos. 1 and 2 are directed to consider and promote the petitioner as Lecturer in Hindi with effect from 10.03.1998 with all consequential benefits. The arrears of salary/retiral benefits shall be paid to her with interest at the rate of seven per cent per annum from the date of promotion to actual payment. The directions are to be carried out within four weeks of receiving a certified copy of this order.

20.08.2024
Seema

(TRIBHUVAN DAHIYA)
JUDGE

<i>Whether speaking/reasoned</i>	Yes/No
<i>Whether reportable</i>	<i>Yes/No</i>