



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(210) CWP NO.16504-2015(O&M)
DATE OF DECISION: 20.09.2024

Indu BalaPetitioner

VERSUS

State of Punjab and othersRespondents

CORAM HON'BLE MR.JUSTICE HARSIMRAN SINGH SETHI

Present Mr.Madhav Pokhrel, Advocate,
for the petitioner.

Mr.Satnam Preet Singh Chauhan, DAG, Punjab.

HARSIMRAN SINGH SETHI J, (ORAL)

1. In the present petition, the grievance raised by the petitioner is that she should be given seniority from the date she was initially appointed in Jalandhar on 08.03.1988 instead of 30.07.1992 when she was promoted at Kapurthala.

2. Learned counsel for the petitioner argues that seniority in the cadre has to be given on the basis of continuous length of service hence, once the petitioner was initially appointed on 08.03.1988, she is entitled for grant of seniority in the cadre of JBT / ETT teacher from 1988 only and not from 30.07.1992 i.e the date which has been given in the impugned seniority list.

3. Learned State counsel submits that though the petitioner was appointed on 08.03.1988 in District Jalandhar, she requested for her transfer to Kapurthala District which was allowed vide Annexure P-1 dated 30.07.1992



and in the said order, it was duly mentioned that the employee has to give up seniority in their earlier district and the seniority in the new district will be taken from the date of joining hence, once the said order Annexure P-1 is not under challenge, the grant of seniority to the petitioner from 30.07.1992 is perfectly valid and legal.

4. I have heard the learned counsel for the parties and have gone through the record with their assistance.

5. Once, the appointment of the petitioner as a JBT teacher is done in Jalandhar and in the said cadre, which seniority is maintained district-wise and it is a conceded fact that petitioner was appointed initially on 08.03.1988 in District Jalandhar, the petitioner can only claim the seniority from the said date in case the petitioner continues to remain in district Jalandhar.

6. Whereas, in the present case, on her own request, the petitioner got transferred from Jalandhar district to Kapurthala district which was effected by order Annexure P-1 on 30.07.1992. As per the terms and condition of the said transfer order, the petitioner is to lose her seniority in Jalandhar district while joining district Kapurthala. The said term and condition was accepted by the petitioner while giving the joining at Kapurthala. Hence, the petitioner is estopped from raising a grievance that she has not been given seniority of the period she spent in Jalandhar District from 08.03.1988 till 30.07.1992.

7. Further, the terms and conditions mentioned in the order of the transfer dated 30.07.1992 (Annexure P-1) has never been challenged by the petitioner at any given point of time. Even in the present petition, the same are not under challenge. Once, the petitioner has accepted the condition for transfer, and as per the said condition, the petitioner can only be given seniority from the date she joined at District Kapurthala on 30.07.1992, the claim of the petitioner



that she is to be given seniority in the cadre of JBT teacher from 08.03.1988 is not maintainable.

- 8. No other argument has been raised.
- 9. Dismissed.
- 10. Pending application, if any, shall stand disposed of along with this judgment.

20.09.2024 (HARSIMRAN SINGH SETHI)
mamta JUDGE

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