



In the High Court of Punjab and Haryana at Chandigarh

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CWP No.22116 of 2016(O&M)
Date of Decision: 24.10.2024

Rajpal Kaur and another

.....Petitioners

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Balbir Singh Sewak, Advocate for the petitioners.

Mr. Swapan Shorey, DAG, Punjab.

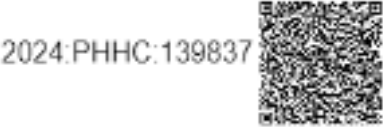
Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance being raised by the petitioners is that the petitioners are fully eligible for promotion to the post of Matron in the Health and Family Welfare Department but they have been declined the said promotion and that too without any valid justification.

2. Upon notice of motion, the respondents have filed the reply wherein the respondents have stated that the promotion to the post of Matron is to be made on the basis of seniority and as of now, the last employee, who has been promoted is at Serial No.100 in the seniority, whereas, the seniority position of the petitioners is 367 and 275 respectively and therefore, the petitioners cannot claim promotion merely on the ground that the petitioners also possess qualification, which has to be given preference.

3. I have heard learned counsel for the parties and have gone through the records with their able assistance.

4. Once, the promotion is to be made on the basis of seniority keeping in view the eligibility provided under rules governing the service,



the employee who is senior fulfills the eligibility qualification, the petitioners cannot claim supersession of the said employee for promotion to the post of Matron on the ground that the petitioners also possess preferable qualification. The employee, who is eligible under the rules governing the service and is seniormost, always has a preferential right of promotion than the junior. The preferential qualification will only come into play in case, two employees are similarly situated and a tie is to be broken between the similarly situated employees, which is not the case in the present writ. The employees who have been promoted to the post of Matron are much senior to the petitioners and are also eligible under the rules governing the service.

5. Keeping in view the facts and circumstances as recorded hereinabove, no ground for interference by this Court is made out and the present petition is accordingly dismissed.

6. Pending miscellaneous application, if any, also stands disposed of.

OCTOBER 24, 2024
d.gulati

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No