

CWP No. 5995 of 2016 (O&M) and
other connected cases

2024:PHHC:152554



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 210)

(1) CWP No. 5995 of 2016 (O&M)
Date of Decision : 20.11.2024

Dalwinder Ram ...Petitioner

Versus

State of Punjab and others ...Respondents

(2) CWP No. 6045 of 2016 (O&M)

Balwinder Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

(3) CWP No. 6142 of 2016 (O&M)

Darshan Singh ...Petitioner

Versus

State of Punjab and others ...Respondents

(4) CWP No. 6164 of 2016 (O&M)

Amarjit Singh and others ...Petitioners

Versus

State of Punjab and others ...Respondents

(5) CWP No. 6267 of 2016 (O&M)

Balvir Singh ...Petitioner

CWP No. 5995 of 2016 (O&M) and
other connected cases

2024:PHHC:152554



Versus

Director Education Department, Punjab and another

...Respondents

(6)

CWP No. 8651 of 2015 (O&M)

Kuldeep Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

(7)

CWP No. 20549 of 2017 (O&M)

Jagpal Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

(8)

CWP No. 14769 of 2016 (O&M)

Jagroop Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

(9)

CWP No. 11617 of 2018 (O&M)

Harbhajan Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

(10)

CWP No. 4005 of 2014 (O&M)

Sant Ram

...Petitioner

CWP No. 5995 of 2016 (O&M) and
other connected cases

2024:PHHC:152554



Versus

Director Education Department (Sec), Punjab and another
...Respondents
(11) CWP No. 37812 of 2018 (O&M)

Raj Kumar
...Petitioner

Versus

State of Punjab and others
...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shivam Kapila, Advocate for
Mr. Kapil Kakkar, Advocate for the petitioner(s)
in CWP-5995-2016, CWP-6045-2016 and CWP-6142-2016.

Mr. Rajinder Yadav, Advocate for the petitioner
in CWP-6267-2018 and CWP-4005-2014.

Mr. Om Pal Sharma, Advocate with
Mr. Harpal Singh Parmar, Advocate
for the petitioner in CWP-6164-2016.

Mr. Ishaan Sharma, Advocate
for the petitioner in CWP-8651-2015 and
for respondents No. 4 and 5 in CWP-37812-2018.

Mr. Surmukh Singh, Advocate for the petitioner
in CWP-11617-2018.

Mr. Sunny Singla, Advocate
for the petitioner(s) in CWP-20549-2017 & CWP-14769-2016.

Mr. Harinder Sharma, Advocate
for the petitioner in CWP-37812-2018.

Mr. T.P.S. Chawla, Senior Deputy Advocate General, Punjab.

Mr. Om Pal Sharma, Advocate with
Mr. Harpal Singh Parmar, Advocate
for respondents No. 4 and 5 in CWP-37812-2018.



Harsimran Singh Sethi J. (Oral)

1. In the present bunch of petitions, the challenge is to the order of reversion from the post of Vocational Teacher/Work Experience Teacher to that of Work Shop Attendant.

2. Learned counsel appearing on behalf of the petitioners submit that the promotions which were granted to the petitioners were on the basis of the seniority, which was maintained in District Cadre and once the promotions have already been made, the petitioners cannot be reverted on the ground that the promotions made on the basis of seniority of the District Cadre needs to be reviewed keeping in view the rules governing the service, according to which, the seniority is to be framed in the State Cadre, hence, promotions already made to the post of Vocational Teacher/Work Experience Teacher are liable to be kept same and the reversion orders passed against the petitioners reverting them to the post of Work Shop Attendant are liable to be set-aside.

3. The respondents are on record to say that the framing of the seniority in the Cadre of Work Shop Attendant is to be done at the State level on the basis of the rules governing the service and the directions given by this Court in a case, wherein, certain Work Shop Attendants who were senior in a particular District, claimed the promotion to the post of Vocational Teacher/Work Experience Teacher on the basis of their date of joining.

4. Learned State counsel submits that the seniority of the Work Shop Attendant was framed at the State Cadre on the basis of the rules as well as the direction given by this Court, hence, once the petitioners have become junior to large number of Work Shop Attendant who are yet to be



granted promotion to the post of Vocational Teacher/Work Experience Teacher, the petitioners' promotion cannot be sustained in preference to their seniors.

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

6. Keeping in view the interim order granted, the petitioners are continuing in service. Some of the petitioners have already retired also while discharging the duties of the post of Vocational Teacher/Work Experience Teacher. Any employee who has retired while working on the promoted post even on the basis of the interim order, no action can be taken by the respondents to give effect to the reversion orders and all the benefits admissible to the said employee will be given on the post from which he/she is retired.

7. Qua the employees who are working as of now and are continuing on the promoted post of Vocational Teacher/Work Experience Teacher on the basis of the interim order, the respondent-State is directed to reconsider the claim of all such petitioners, who are seeking to continue on the post of Vocational Teacher/Work Experience Teacher or are claiming promotions to the said post as to whether as of now, they have come within their seniority either to get promotion to the post of Vocational Teacher/Work Experience Teacher or to continue on the said post. In case, any of the petitioners is within the seniority to claim promotion on the said post or is entitled to continue on the said post even on the basis of the seniority of the Work Shop Attendant framed on the basis of the State Cadre, appropriate



action will be taken by the State ignoring the orders of reversion passed against the petitioners.

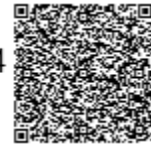
8. Learned counsel for the respondents submits that the Rules have been amended in the year 2018 and the post of Vocational Teacher/Work Experience Teacher is no longer available under the rules governing the service, hence, the claim of the petitioners is to be considered upto the date when the post of Vocational Teacher/Work Experience Teacher existed under the rules.

9. Learned counsel for the petitioners submits that the assertion of the respondents that the posts of Vocational Teacher/Work Experience Teacher have been abolished, is incorrect. Learned counsel for the petitioners further submits that the said post is still in existence under the Punjab Educational (Teaching Cadre) Group-C Service Rules, 2018.

10. Let the State decide on the said issue after considering the said Rules of 2018 qua the post of Vocational Teacher/Work Experience Teacher as to whether, the same have been abolished or still continued to be in operation.

11. The State will also decide the claim of the petitioners to seek promotion to the post of Vocational Teacher/Work Experience Teacher as well as continuance of the petitioners on the said posts keeping in view the seniority in the Cadre of Work Shop Attendant, which has been framed on the basis of the State Cadre.

12. Let the appropriate consideration to the claim of the petitioners be given by the respondents and appropriate order will be passed within a



period of four months of the receipt of copy of this order.

13. Keeping in view the fact that the petitioners are continuing under the interim orders of the Court on the post of Vocational Teacher/Work Experience Teacher till any fresh order is passed, the petitioners will be allowed to continue on the said post. In case, after the consideration by respondents, it is found that any of the petitioner is entitled to continue on the post in question, keeping in view his/her seniority, he/she will be allowed to continue. Further, in case any of the Work Shop Attendant is claiming promotion on the basis of the State Cadre seniority to the post of Vocational Teacher/Work Experience Teacher, he/she will be granted the said promotion. Furthermore, in case, keeping in view the number of posts of Vocational Teacher/Work Experience Teacher, any of the petitioner is beyond their seniority either to seek promotion or to continue on the said post, the respondents will be within their jurisdiction to take appropriate action.

14. Petitions are disposed of in above terms.

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

16. A photocopy of this order be placed on the file of connected cases.

November 20, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No