



CWP-27293-2018 (O&M)

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

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CWP-27293-2018 (O&M)
Date of decision: 09.05.2024

Dr. Rajesh Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. D.S. Rawat, Advocate for the petitioner.

Mr. Arun Gupta, DAG, Punjab.

Mr. Akhil Kashyap, Advocate for
Mr. P.K. Kataria, Advocate for respondent No.3.

AMAN CHAUDHARY, J. (Oral)

1. The prayer made in the present petition is for quashing the impugned Final Seniority list dated 27.09.2018 of Assistant Professor (Ophthalmology) and proceedings of the impugned DPC meeting dated 18.10.2018.

2. Learned counsel contends that the petitioner was appointed as Medical Officer on 27.11.1993, whereas respondent No.3-Saroj Bala on 04.05.1998. She, though being junior to him but belonging to Scheduled Caste category was granted the benefit of reserved point for promotion to the post of Assistant Professor (Ophthalmology) vide order dated 02.12.2003, while the petitioner was promoted on his own turn, as such on 15.07.2014. Submission advanced is based on the catch-up rule, which was in similar set of facts



relating to the same Department, *albeit* regarding the post of Assistant Professor (Paediatrics), this Court relying on the law laid down in Union of India and others vs. Veer Pal Singh Chauhan etc. 1995(6) SCC 684, further elaborated in Ajit Singh Janjua and others vs. State of Punjab 1999(7) SCC 209, decided the issue vide judgment dated 09.05.2023 in **Dr. Harshinder Kaur vs. State of Punjab and others**, CWP-26839-2018, observing thus:

“8. ...Once there is no dispute that the third vacancy was a reserved vacancy, which resulted in the promotion of respondent no.4, the catch-up rule would become applicable. As per the catch-up rule, if a junior official, on account of accelerated promotion, gets promoted to a higher post, prior to the senior and the senior is later on promoted if the junior official in the feeder cadre is still in the promoted post of next level then as per the catch-up rule, the senior would regain his seniority on the next higher post, even though he was promoted subsequently. In the present case, the petitioner was a senior to respondent no.4. However, as already noticed, respondent no.4 was promoted in 2013 whereas the petitioner was promoted in 2014. At that time, respondent no.4 was an Assistant Professor. Hence, in the seniority list of Assistant Professors by the application of catch up rule, the petitioner will be placed as a senior to respondent no.4.”

3. Learned State counsel as also learned counsel for respondent No.3, despite their best efforts have been unable to controvert the factual position and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law.



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4. In view of the judgment passed in **Dr. Harshinder Kaur** (supra), the present petition is disposed of, directing the respondents to prepare a fresh seniority list and thereupon, consider the petitioner and others, who would be in the zone of consideration in terms thereof, for promotion against the post of Associate Professor (Ophthalmology). Needful be done within four months.

(AMAN CHAUDHARY)
JUDGE

09.05.2024

Hemant

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