

**CWP-19910-2021(O&M)
& connected cases**

2026:PHHC:018201



214 + 216

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

**Date of decision : 06.02.2026
CWP-19910-2021(O&M)**

1.

Daljit Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

2.

CWP-5252-2022(O&M)

Surinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

3.

CWP-8392-2022(O&M)

Harbans Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH
NALWA**

Present: Mr. Anil Kumar Garg, Advocate for the petitioner
in CWP No.19910 of 2021.

Mr. Karnail Singh Ahhi, Advocate for the petitioner(s)
in CWP No.5252 of 2022 and CWP No.8392 of 2022.

Ms. Neha Sonawane, DAG, Punjab.

DEEPINDER SINGH NALWA, J. (Oral)



This order shall dispose of the abovesaid writ petitions i.e. CWP No.19910 of 2021, CWP No.5252 of 2022 and CWP No.8392 of 2022 as identical question of law and facts are involved therein.

2. For the facility of reference, the facts are taken from CWP No.19910 of 2021.

3. In the present writ petition, the petitioner has challenged the order dated 02.06.2021 (Annexure P-13), vide which the seniority and deemed date of promotion of the petitioner to the post of Centre Head Teacher has been changed from 20.04.2016 to 13.03.2020 after her retirement. The petitioner has also challenged the order dated 16.08.2021 (Annexure P-19), vide which the petitioner has been reverted from the post of Block Primary Education Officer (in short 'BPEO') to the post of Centre Head Teacher after her retirement.

4. The brief facts of the case are that the petitioner was appointed on the post of JBT (Mistress) in District Ludhiana vide order dated 14.03.1988 (Annexure P-1). Thereafter, the petitioner got married and in terms of the letter dated 11.06.1998 (Annexure P-4) issued by the Government of Punjab, the petitioner sought option for change of cadre from District Ludhiana to District Sangrur. The abovesaid option sought by the petitioner was duly accepted. The petitioner joined at District Sangrur on 28.08.1990. Taking into consideration the fact that the work and conduct of the petitioner was satisfactory, the petitioner was promoted on the post of Centre Head Teacher on 20.04.2016 (Annexure P-6). Thereafter, the petitioner was further promoted on the post of BPEO vide order dated 15.10.2018



(Annexure P-7). The petitioner retired on 31.05.2020 after attaining the age of superannuation. After the retirement of the petitioner, the petitioner received all retiral benefits which were due to the petitioner as per law. To the shock of the petitioner, after almost one year after retirement, the petitioner received a communication dated 18.05.2021 (Annexure P-10) issued by the respondent through Whatsapp, wherein it was mentioned that the seniority of the petitioner was wrongly fixed, as such, a decision has been taken to refix the seniority of the petitioner and also to change the date of promotion on the post of Centre Head Teacher from 20.04.2016 to 13.03.2020. The petitioner duly filed reply dated 24.05.2021 (Annexure P-12) to the abovesaid communication. A perusal of the reply would show that it was case of the petitioner that there was no fault on the part of the petitioner in regard to fixation of seniority and grant of promotions, as such, the seniority assigned and promotions given to the petitioner could not be changed. The respondents passed an order dated 02.06.2021 (Annexure P-13) vide which the seniority and date of promotion of petitioner on the post of Centre Head Teacher was changed from 20.04.2016 to 13.03.2020.

5. Aggrieved against the abovesaid order dated 02.06.2021 (Annexure P-13), the petitioner filed a Civil Writ Petition before this Court bearing CWP No.12819 of 2021. During the pendency of the abovesaid writ petition, the petitioner, vide letter dated 14.07.2021 (Annexure P-15), was again asked to file reply in regard to review of her date of promotion to the post of BPEO. The petitioner duly filed reply to the abovesaid letter. The respondents have passed an order



dated 16.08.2021 (Annexure P-19) vide which the petitioner has been reverted from the post of BPEO to Centre Head Teacher. The abovesaid order dated 16.08.2021 (Annexure P-19) is in continuation of the order dated 02.06.2021 (Annexure P-13). Aggrieved against the orders dated 02.06.2021 (Annexure P-13) and order dated 16.08.2021 (Annexure P-19), the petitioner has filed the present writ petition.

6. Learned counsel appearing on behalf of the petitioner submits that the abovesaid impugned orders cannot be passed on the ground that once the petitioner had retired from service on attaining the age of superannuation on 31.05.2020, there was no relationship of master and servant, as such, impugned orders are liable to be quashed.

7. On the other hand, learned State counsel submits that the petitioner was not entitled for grant of benefit of seniority and promotions for the reason that the benefit of seniority was granted to the petitioner on 26.11.2015 (Annexure P-5) whereas as per the instructions dated 20.08.2015, vide which the earlier Government instructions dated 11.06.1998 (Annexure P-4) were modified, the petitioner was not entitled for grant of benefit of seniority. It is also the case of learned State counsel that State has the right to rectify the mistake and an employee cannot have any grievance in case of rectification of mistake. As such, the impugned orders dated 02.06.2021 (Annexure P-13) and 16.08.2021 (Annexure P-19) passed by the respondents do not suffer from any infirmity and the present writ petition is liable to be dismissed.



8. I have heard learned counsel for the parties at length and perused the paper-book along with records.

9. A perusal of the facts of the present case would show that the petitioner was granted the benefit of seniority and on that basis, further promotions were given to the petitioner. There is no dispute that the petitioner has retired from service on attaining the age of superannuation on 31.05.2020. Once the petitioner had retired from service after attaining the age of superannuation, the relationship of master and servant comes to an end. Since the employee does not hold the post, there is no question of change of seniority or reversion in the case of employee who has already retired. It is also not the case of the respondents that petitioner was granted the benefit of seniority and promotion on the basis of fraud or misrepresentation on the part of petitioner. No rules have been brought to the notice of the Court that after the retirement of an employee, an employee can be reverted. It is also brought to the notice of this Court that an amount of Rs.18,000/- has been recovered from the petitioner during the pendency of the writ petition.

10. Taking into consideration the abovesaid facts, the impugned orders dated 02.06.2021 (Annexure P-13) and 16.08.2021 (Annexure P-19) cannot be sustained in the eyes of law.

11. Accordingly, the impugned orders are quashed. If any amount is recovered from the petitioner, the same be refunded to the petitioner within a period of two months from the date of receipt of certified copy of this order.

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12. The present writ petitions are allowed in the abovesaid terms.
13. Pending application(s), if any, shall also stand(s) disposed of.

06.02.2026	(DEEPINDER SINGH NALWA)	
<i>d.gulati</i>	JUDGE	
Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No