

(2013) 08 P&H CK 0795

High Court Of Punjab And Haryana At Chandigarh

Case No: CWP No. 17526 of 2013

Jasbir Singh

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision: Aug. 14, 2013

Acts Referred:

- Constitution of India, 1950 - Article 14, 16

Hon'ble Judges: Tejinder Singh Dhindsa, J

Bench: Single Bench

Advocate: Harinder Sharma, for the Appellant;

Final Decision: Disposed Off

Judgement

Tejinder Singh Dhindsa, J.

The petitioner who is serving as a Vocational Master under the Punjab School Education Department has filed the instant writ petition seeking quashing of a common seniority list of Vocational Lecturers/Vocational Masters/Mistresses. Counsel for the petitioner would contend that such common seniority list does not include members of the general Masters/Mistresses cadre but is limited only to the Vocational cadre which was created in the year 1989 but brought within the scope and ambit of the Punjab State Education Class III (School Cadre) Service Rules, 1978 in the light of a notification issued on 08.07.1995. The precise submission raised by the counsel is that the Vocational Lecturers/Vocational Masters/Mistress so appointed belong to different trades/vocations and even the qualifications prescribed qua each of them would be different depending on the trade. Even though under Rule 11 of the statutory Rules, 1978, the merit assigned by the Recruiting Agency at the time of initial appointment is a determining factor for seniority, counsel would argue that in the light of the fact that qualifications/trades are different for Vocational Lecturers/Vocational Masters/Mistresses, such employees cannot be borne and reflected on a common seniority list. It is contended that such action of furnishing a common seniority list would be unjust

arbitrary and violative of Articles 14 & 16 of the Constitution of India.

2. At this stage, counsel further submits that even a representation raising such grievance as also reminders have been submitted by the petitioner but the same have not evoked any response and he would be satisfied if the present writ petition was to be disposed of with a direction to respondent-authorities to respond to the same and to furnish reasons in support of having framed a common seniority list for Vocational Lecturers/Vocational Masters/Mistresses.

3. I find such submission to be fair and reasonable. Accordingly, the present writ petition is disposed of with a direction to respondents No. 1 & 2 to consider the grievance of the petitioner and to take a final decision on the legal notice dated 30.04.2012 (Annexure P-8) strictly in accordance with law and by passing a speaking order within a period of six months from the date of receipt of a certified copy of this order. Disposed of.