

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

**CWP No.21175 of 2012
Date of decision:-19.10.2012**

Madhu Sudan

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Vivek Sharma, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA J.(Oral)

The petitioner, who belong to the Master cadre and is aggrieved of the action of the respondent-authorities in not determining his seniority in terms of Rule 11 of the Punjab State Education Class-III (School Cadre) Service Rules, 1978. In terms of proviso to Rule 11 of the 1978 Rules the seniority of the members of the cadre, who has been recruited by direct appointment is to be governed on the basis of the merit determined by the recruiting agency.

Learned counsel for the petitioner contends that the seniority is in fact being reckoned from the date of joining, which is in contravention to the statutory rules. Counsel would further submit

that the claim of the petitioner would be squarely covered by a Division Bench judgement of this Court dated 9.7.2004 rendered in case of ***Charan Dass Sharma Vs. State of Punjab & others (CWP No. 19832 of 2003)***. Counsel further submits that even a legal notice dated 26.8.2012 (Annexure P-5) already stands submitted in this respect and is pending consideration.

In the light of the averments made in the petition, I deem it appropriate to dispose of the present petition with a direction to the respondent-authorities to consider the claim of the petitioners and decide the legal notice dated 26.8.2012 (Annexure P-5) strictly in accordance with law and by passing a speaking order within a period of four months from the date of receipt of a certified copy of this order.

It is clarified that in the event of the petitioners being given the benefit of deemed seniority, they would be entitled to the consequential benefit of pay fixation only on notional basis.

Petition disposed of.

October 19 , 2012
Vijay Asija

(**TEJINDER SINGH DHINDSA**)
JUDGE