

**RSA-2444-2015 (O&M)****IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH****RSA-2444-2015 (O&M)****Date of Decision: 31.07.2025**

State of Punjab and anr.

.....Appellants

vs

Kanta Rani

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

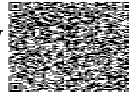
Present: Ms. Pratibha Bali, AAG, Punjab

Mr. Puneet Kumar Bansal, Advocate, for the respondent.

SUDEEPTI SHARMA J.

1. Challenge in the present regular second appeal is to judgment and decree dated 27.11.2014 passed by learned Addl. District Judge-III, Ferozpur whereby the appeal preferred by the respondent against the judgment and decree dated 27.03.2014 passed by learned Civil Judge (Jr. Divn.), Ferozpur, is allowed and the judgment and decree dated 27.03.2014 passed by learned Civil Judge (Jr. Divn.), Ferozpur is set aside.

2. Brief facts of the case as per civil suit are that the respondent was employed as Center Head Teacher in Education Department in State of Punjab and was posted as such at Government Primary School, Jhoke, Hari Har Block, Ferozpur, Tehsil and District Ferozpur. She retired from service on attaining the age of superannuation on 29.02.2012. The respondent initially joined the service as JBT Teacher on 29.10.1973 after being sponsored by the Employment Exchange and after due selection by the Selection Committee of the department. She was regularized on the same post on 01.04.1977. The next promotion for the post of JBT Teacher is to the post of Center Head Teacher which is made on the basis of seniority. Since her work and conduct and ACR were good, she was

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firstly promoted as Head Teacher on 30.10.2009 and thereafter to the post of Center Head Teacher on 20.12.2011. Since her juniors were promoted prior to her without considering her, she filed the civil suit challenging the same before the learned Civil Judge (Jr. Divn.), Ferozepur, which was dismissed, vide judgment and decree dated 27.03.2014. She then filed appeal against the same before the learned Addl. District Judge-III, Ferozepur, which was allowed, vide judgment and decree dated 27.11.2014. Hence, the present regular second appeal.

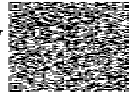
3. Learned counsel for the appellants contends that the judgment and decree dated 27.11.2014 passed by learned Addl. District Judge-III, Ferozepur is against law and facts on record. She further contends that the respondent never challenged the seniority list and the civil suit was filed by her after a delay of 04 years. She, therefore prays that the present regular second appeal be allowed.

4. Per contra, learned counsel for the respondent argues on the lines of judgment and decree dated 27.11.2014 passed by learned Addl. District Judge-III, Ferozepur and contends that the present regular second appeal be dismissed.

5. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

6. Admittedly, the respondent joined as JBT Teacher on 29.10.1973 and was regularized on 01.04.1997. She was promoted as Head Teacher on 30.10.2009 and thereafter as Center Head Teacher on 20.12.2011. She retired from service on 29.02.2012 and juniors to her were promoted as Head Teacher and Center Head Teacher before her promotion.

7. Vide letter dated 25.09.2005, juniors to the respondent were invited for promotion to the post of Head Teacher. Admittedly, as per seniority list dated 20.11.2001, she was senior, therefore, she moved a representation to the

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appellants. Kuldeep Singh was examined as DW1 who stated that seniority list is informed to the concerned teachers by taking their signatures. Further that, as per Rule 5-B of the order of President of India prescribed vide notification No. 8018/S11 (ASO)-74/33252 dated 15.10.1974, the services rendered on *ad hoc* basis shall be taken into account for the purpose of determining *inter se* seniority among the *ad hoc* employees themselves and the person having longer service shall be senior and while giving seniority, *ad hoc* service of the respondent was not counted. Further seniority list was never circulated or conveyed to the respondent or circulated in the school where respondent was posted. Further letter dated 25.09.2005 was also not conveyed to the respondent.

8. As per record, the respondent joined as JBT Teacher on 29.10.1973 and was regularized on 01.04.1977. Her services on *ad hoc* period since 29.10.1973 was not considered while preparing the seniority list, as per notification No. 8018/S11 (ASO)-74/33252 dated 15.10.1974 referred to above. When the respondent came to know about the promotion of other teachers, she immediately moved representation. Admittedly, as per record, the respondent was senior to the other teachers who were promoted on 26.10.2004 as Head Teacher and Center Head Teacher on 17.04.2008. The statement of DW1 Kuldeep Singh is fully supporting the case of the respondent. Since the respondent came to know about the seniority list in the year 2011 and filed suit in the year 2013, therefore, it has rightly been held by the learned First Appellate Court that the suit was not barred by limitation.

9. As per statement of DW1, the seniority list was issued on 20.11.2001 and before that it was never issued. Further seniority list was sent to the office of District Education Office of Block Office and not to the teacher concerned. It was the duty of Block Office to get the acknowledgment from the teacher concerned. Admittedly, no such communication was sent to the



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respondent at any stage of issuance of seniority list. Nor there is anything on record to prove that it was either sent to school where the respondent was posted.

10. A perusal of the written statement filed by the appellants shows that there is no specific denial to the fact that the respondent was senior to Daya Rani, Krishana Rani, Sunita Rani and Usha, which again proves that the appellant was aware of the fact that the respondent was senior. Further, the respondent was totally ignored while promoting her juniors.

11. Normally, the seniority list is fixed from the service of the employee in the department. As per record, the respondent joined on 29.10.1973 and all other employees namely Daya Rani, Krishana Rani, Sunita Rani and Usha are admittedly juniors to the respondent. When the respondent was never conveyed about the seniority list as well as order vide which juniors were promoted, then the suit cannot be held to be barred by limitation. Therefore, the suit was within limitation and as per record, the respondent has rightly been held entitled to consequential service benefits.

12. In view of the above, I do not find any infirmity in the judgment and decree dated 27.11.2014 passed by learned Addl. District Judge-III, Ferozepur and the same is upheld. Accordingly the present regular second appeal is dismissed.

13. Parties are left to bear their own costs. Decree sheet be prepared accordingly.

14. Pending application (s) if any also stands disposed of.

(SUDEEPTI SHARMA)
JUDGE

July 31, 2025

Gaurav Arora

Whether speaking/reasoned : Yes
Whether reportable : Yes