

2025:PHHC:051843



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

CWP-7542-2025

Judgment Reserved on: 19.03.2025

Pronounced on: 22.04.2025

DR. SHAVINDER KAUR

... Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Shubham Saroha, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

The petitioner seeks a writ of certiorari to quash the impugned order dated 11.10.2024 (Annexure P-3), issued by the Commissioner & Secretary, Government of Haryana, Women and Child Development Department, rejecting her claim for arrears for the period from 06.01.1998 to 01.02.2008 for the post of District Programme Officer (DPO). Additionally, the petitioner prays for the quashing of the term “notional” used in the promotion order dated 09.05.2022 (Annexure P-4), by which she was granted notional promotion to the post of DPO with effect from 06.01.1998. She further seeks a writ of mandamus directing the respondents to release and pay the full salary for the aforementioned period along with interest at the rate of 12% per annum as well as on the delayed payment of retiral dues.

The facts of the present petition are that the petitioner was initially appointed as a Child Development Project Officer (CDPO) on an *ad-hoc* basis vide order dated 07.12.1983 and was subsequently appointed on a regular basis through the Haryana Public Service Commission (HPSC) on 11.03.1985. She

was suspended by an order dated 26.06.1992, which was communicated to her on 02.07.1992 and was later reinstated into service on 19.05.1995.

An FIR No.104 dated 23.03.1988 was also registered against her under Section 420 of the IPC at Police Station Kalayat, District Jind. The petitioner was, however, discharged by the Trial Court on 21.03.1989. The State challenged this discharge through a revision petition before the Sessions Court, Kurukshetra, which allowed the revision on 17.07.1990. The petitioner's challenge to this order, filed as CRR No.702/1990, was allowed by the Hon'ble High Court on 20.11.2002 against which the State of Haryana filed Special Leave Petition (Crl.) No. 8241/2003, titled State of Haryana v. Suvinder Kaur @ Shavinder Kaur, but the same was dismissed on 26.09.2003.

Upon dismissal of the SLP by the Hon'ble Supreme Court on 26.09.2003, the petitioner was also fully exonerated of all departmental charges and was also cleared of the same vide order dated 17.11.2008 passed by Sh. G. Prashana Kumar, Financial Commissioner and Principal Secretary, Women and Child Development Department, Government of Haryana. The petitioner filed CWP No.6083 of 2005 for claiming the above relief (the details of the writ petition such as prayer made thereunder and even the order has not been appended). The above writ was disposed of on 12.04.2005 directing the respondents to pass a speaking order. In compliance thereto, an order dated 11.07.2005 was passed as per which the seniority of the petitioner was kept at Sr. No.17 below Kumari M.N. Saini and Kamlesh Gautam. The claim about promotion was however, deferred due to pending departmental proceedings. (Only the extract has been reproduced but order has not been attached).

It also transpires from the pleadings that another Writ Petition No.8373 of 2006 was also filed. (The petitioner has not disclosed about the prayer made in the writ petition or the averments contained therein or even the final outcome of the writ petition). Seemingly, in reply to Para No.12 thereof, it was informed that two charge sheets were pending under Rule 7 dated 05.09.1997 and 16.12.2003 and hence she was not found fit for being promoted and that a mere discharge in criminal proceedings is not sufficient.

It is submitted that she was discharged in the charge-sheet dated 05.09.1997 on 17.11.2008 (order not attached). There is no disclosure of the final outcome of the charge-sheet dated 16.12.2003 even though a reference is made that the said charge-sheet was also dropped.

An averment is made that another writ petition No.5339 of 2020 is stated to have been filed. (No details about the relief sought have been mentioned). The said writ petition was disposed of vide order dated 17.10.2023 (order not attached, only extract given), by recording concession of the State that in the event of any representation being submitted by the petitioner, the same shall be decided in 4 weeks.

A reference, without any contextual details, has also been given of an order dated 09.05.2022 passed by the Addl. Chief Secretary, Women & Child Development Department, allowing notional promotion w.e.f. 06.1.1998 i.e. from the date her junior Kamlesh Gautam was promoted and that no arrears shall be paid. (The said contention is contrary to the pleaded case in Para No.9 where Kamlesh Gautam has been held senior to the petitioner and placed at Sr. No.17). (Further, the said order dated 11.07.2005 passed by the Commissioner & Principal Secretary has also not been disclosed to have ever been challenged

in any other proceedings).

The said order dated 09.05.2022 is now challenged in the present petition to the extent whereby the promotion has been given notionally only and actual benefits for the said period have been declined.

The petitioner has also challenged the order dated 11.10.2024 which is stated to have been passed pursuant to the order dated 17.10.2023 passed in CWP No.5339 of 2020 wherein prayer was solely for grant of salary for her period of suspension w.e.f. 02.07.1992 to 19.05.1995, for ACP and to pay arrear for being granted deemed date promotion for the period of 06.01.1998 to 01.12.2008.

Prima facie there appears to be missing link in the prayer and the petition. The specifically pleaded case of the petitioner is that she was granted notional promotion vide order dated 09.05.2022 i.e. after the Writ Petition No.5339 of 2020 had already been filed but before the Writ Petition being disposed of. There is, however, no mention of any amendment of the said Writ Petition before 17.10.2023, hence, there claim for release of actual benefits and notional promotion did not arise. If on the other hand, the writ was amended, the order dated 09.05.2022 granting notional promotion has seemingly not been challenged. The petitioner has selectively chosen to disclose information and append documents even though the prayers made in the earlier proceedings would be relevant for examining her claim in this round of litigation.

It does not lie with a litigant to furnish only selective information and not make complete disclosure. The issue as regards its impact on the final relief to be awarded has to be left to the wisdom of the Court. Withholding of such documents, even if it is not ill-intentioned, leaves gaping holes and

missing links which impact the final outcome of the proceedings.

The present writ petition is accordingly dismissed at this stage for want of complete disclosures and documents.

Liberty is, however, granted to the petitioner to file a fresh petition on the same cause of action with better and complete particulars and disclosures.

22.04.2025.

Rajender

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*