



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

228

CWP-8646-2021

Decided On: 08.09.2025

PRIYANKA TIWARI

....PETITIONER(s)

Versus

**SHAHEED HASAN KHAN MEWATI, GOVERNMENT MEDICAL
COLLEGE, NALHAR, NUH AND ANOTHER**

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. R. K. Malik, Senior Advocate with
Mr. Anshul Labana, Advocate
for the petitioner.

Mr. Aakash Singla, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA J.(Oral)

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to give deemed date of promotion as Assistant to the petitioner with effect from 21.08.2018, the date when her junior was promoted as such vide office order of the same date, Annexure P-8.

2. Learned senior counsel has contended that the petitioner joined the first respondent/College at Nuh, as Record Clerk on 06.03.2013. While working there, she was recruited on transfer basis as Clerk in Kalpana Chawla Government Medical College, Karnal, and was relieved to join duty there vide letter dated 03.04.2018, Annexure P-3. The letter also stated that her lien in the respondent/College at Nuh would be maintained as per the Haryana Civil Services (General) Rules, 2016. On that basis she made a representation to Director of the College at Nuh seeking promotion to the post of Assistant. Vide office order dated 13.08.2018, Annexure P-6, her junior was promoted



as Assistant. Since the petitioner was serving in the College at Karnal at that time, it was decided that she would be considered for promotion on rejoining the College at Nuh.

2.1. As per letter dated 27.07.2020, Annexure P-20, from Director, Kalpana Chawla Government Medical College, the petitioner's probation period was extended equal to the period of leave availed by her, which she could not complete, and was not confirmed in service. After rejoining the College at Nuh on 15.01.2020, she was promoted as Assistant vide office order dated 27.07.2020, Annexure P-15, and not from the date her junior had been promoted. Therefore, she approached this Court seeking promotion from that date, i.e., 21.08.2018. It is further contended that the petitioner is entitled to be given notional promotion from the date her junior has been promoted because she had a lien in the College at Nuh.

3. Learned State counsel, however, opposed a prayer on the ground that in terms of Rule 27 of the 2016 Rules, the petitioner's probation period came to an end on completion of one year in service, since she had been appointed otherwise than by way of direct recruitment.

4. Considering the submissions, this Court is of the view that the petitioner is entitled to be considered for notional promotion from the date her junior has been promoted. It is for the reason her lien with the College at Nuh on the post of Clerk remained intact while she worked at the Medical College, Karnal. She was not confirmed there and had to rejoin at Nuh. On joining back she was granted promotion as Assistant as well, though not from the date her junior had earlier been promoted. Therefore, it is too late in the day to contend that her lien came to an end on completion one year of probation in



terms of Rule 27 of the 2016 Rules. The contention has no basis at all, especially in the face of letter, dated 27.07.2020, extending the petitioner's probation period. By allowing her to rejoin at Nuh, the respondents acknowledged her existing lien on the post of Clerk and further granted her promotion as Assistant as well. They cannot be permitted to take a stand to the contrary now. It is also not denied that her junior stands promoted as Assistant on 21.08.2018, which gives her right to seek notional promotion from that date.

5. Accordingly, the petition is disposed of directing the respondents to consider the petitioner's case for granting notional promotion in view of the observations above with effect from the date her junior has been promoted, i.e., 21.08.2018 and pass appropriate order in accordance with law, within three months of receiving a certified copy of this order.

08.09.2025

Ad

**(TRIBHUVAN DAHIYA)
JUDGE**

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No