

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**  
**CWP No. 12857 of 2013**  
**Date of Decision: 31.05.2013**

**Gurdev Singh and another**

**...Petitioners**

**V/s.**

**State of Punjab and others**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH.**

Present: Mr. Sunny Singla, Advocate  
for the petitioners.

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**AUGUSTINE GEORGE MASIH, J. (Oral).**

Counsel for the petitioners states that he does not claim promotion to the post of Principal from the date his junior Surinder Pal, Lecturer in Mathematics was promoted as a Principal. He contends that as per the judgment of the Supreme Court in *Ajit Singh Janjua vs. State of Punjab and others, 1999 (7) SCC 209*, a candidate belonging to the reserve category, when promoted earlier on the basis of roster point, is to be shown junior in the promotional cadre if a person in the general category, who is senior to the reserve category candidate in the feeder cadre, is promoted to the higher post where the reserve category candidate has been promoted earlier, the principle of catching up would be applicable and, therefore, the seniority has to be re-fixed and accordingly, other benefits such as pay fixation granted. The said benefit has not been granted to the petitioners. Asserting their right for grant of seniority over and above respondent No. 3, who belongs to the reserve category, petitioners have served a legal notice dated 05.02.2013 (Annexure P-7) upon the respondents, which has, till date, not been responded to or has not been decided.

Counsel for the petitioners contends that the petitioners, at this stage, would be satisfied if a direction is issued to the Secretary to

Government of Punjab, Department of Education, Punjab-respondent No. 1 to consider and decide the legal notice dated 05.02.2013 (Annexure P-7) served by the petitioners within some specified time.

In view of the statement made by the counsel for the petitioners and without going into the merits of the case or commenting thereon, the present writ petition is disposed of with directions to the Secretary to Government of Punjab, Department of Education, Punjab-respondent No. 1 to consider and decide the legal notice dated 05.02.2013 (Annexure P-7) within a period of five months from the date of receipt of certified copy of this order.

In case the claim of the petitioners is not to be accepted, then a well reasoned and speaking order be passed and conveyed to the petitioners forthwith.

**(AUGUSTINE GEORGE MASIH)**  
**JUDGE**

**May 31, 2013**  
**Divyanshi**