
(2011) 03 SHI CK 0287
In the High Court Of Himachal Pradesh
Case No : C.W.P. (T) No. 13856 of 2008

Kusum Lata

APPELLANT

Vs

State of Himachal Pradesh and Another

RESPONDENT

Date of Decision : 09-03-2011

Acts Referred:

Citation : (2011) 03 SHI CK 0287

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rajiv Sharma, J.—Material facts necessary for the adjudication of this petition are that the Petitioner was appointed as Trained Graduate Teacher (Arts) on 10.03.1973. She was promoted to the post of Lecturer in 1989. Case of the Petitioner, in a nut-shell, is that she came to know on 13th March, 2002 that she was promoted to the post of Headmistress in 1991. However, the promotion orders were neither conveyed to her nor to the Principal of Government Senior Secondary School, Majra, District Sirmaur. Petitioner has been promoted subsequently to the post of Head Mistress on 23.11.2002 and she joined her duties as Head Mistress in Government High School, Rajri-Habli, District Solan on 04.12.2002.

2. Mrs. Ranjana Parmar, learned Counsel for the Petitioner has strenuously argued that neither the Petitioner nor the Principal, Government Senior Secondary School, Majra had been conveyed the promotion orders dated 21.01.1991. According to her, case of the Petitioner was required to be considered for promotion in the subsequent years, i.e., 1992 and 1993, when the persons junior to her were promoted to the posts of Head Masters/Head Mistresses.

3. Mr. A.K. Bansal, learned Additional Advocate General has vehemently argued that the Petitioner was promoted to the post of Head Mistress in the year 1991

and was directed to be posted in Government High School, Bankala. She did not join her duties and in these circumstances, the representation of the Petitioner was rejected on 15th December, 2005 by the Principal Secretary (Education).

4. I have heard the learned Counsel for the parties and gone through the pleadings carefully.

5. Petitioner was appointed as T.G.T. (Arts) on 10th March, 1973. Case of the Petitioner is that she came to know about her promotion to the post of Head Mistress only in the month of March, 2002. The promotion orders are dated 21.01.1991. Petitioner has specifically averred in the petition that she managed to get the promotion orders subsequently. According to her, the promotion orders were only issued to District Education Officer and Heads of the Schools, without any intimation to the individuals. However, fact of the matter is that the Petitioner has not placed even this letter on record. Petitioner has also filed an Original Application bearing No. 1629 of 2005 for the redressal of her grievance. The same was directed to be treated as representation to the Principal Secretary (Education) on 30.06.2005. He has decided the representation on 15th December, 2005 (Annexure A-10). It is difficult to believe that the Petitioner did not know about the orders of promotion issued in her favour in the year, 1991. It is against the basic human conduct. An incumbent, who is in the zone of consideration, is aware when the D.P.C. is to be convened. The conduct of the Petitioner is against common sense. Case of the Petitioner before the Principal Secretary (Education) and this Court is not that she was not aware of her promotion orders. Her only plea is that the orders were not received by the Principal, Government Senior Secondary School, Majra. It appears that the Petitioner was aware of the orders of her promotion, but she did not want to join at Government Middle School, Bankala. According to the pleadings, persons junior to her were considered for promotion in 1992 and 1993. It can safely be presumed that she knew about these promotions as well. She has remained silent w.e.f. 1991 to 2002. She made her first representation on 05.06.2002. Petitioner has been promoted to the post of Head Mistress vide letter dated 04.12.2002. She has retired after attaining the age of superannuation.

6. Accordingly, in view of the observations and discussions made hereinabove, there is no merit in this petition and the same is dismissed. No costs.