

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CWP No.17173 of 2014

Mastan Singh ... Petitioner

Versus

State of Punjab and others ... Respondents

2. CWP No.17216 of 2014

Geja Singh and another ... Petitioners

Versus

State of Punjab and others ... Respondents

Date of Decision: 11.12.2015

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Dharmender Singh Rawat, Advocate,
for the petitioner(s).

Mr. Inqulab Nagpal, AAG, Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

1. This order will dispose of CWP No.17173 of 2014 titled *Mastan Singh vs. State of Punjab and others* & CWP No.17216 of 2014 titled *Geja Singh and another vs. State of Punjab and others*.

2. On November 17, 2015 this Court passed the following interim order:-

“The reply is not on record though it is in the hands of the Law Officer. He has passed on a copy of the same. The Court has read it. The stand is illegal. Reply, if any, be filed 3 days in advance of the next date for hearing with advance copy to the opposite counsel.

In case, better sense prevails, then either the impugned order be withdrawn or legal and valid defence be set up in the written statement to be filed.

*It is made clear that if this Court finds that the order granting seniority to the petitioner was withdrawn illegally, the competent authority/promoting authority may be saddled with exemplary costs for taking time of this Court on a matter which is settled and concluded in **Ajit Singh Janjua-I, Ajit Singh Janjua-II, R.K.Sabharwal, Vir Pal Chauhan** and a string of other decisions leading up to the Constitution Bench decision in **M.Nagaraj**.*

List on 11.12.2015.

To be shown in the urgent list.

*Order **dasti.***

3. Today, Mr. Inqulab Nagpal, AAG, Punjab has filed a short affidavit of Dr. Balwinder Singh Sidhu, Chief Conservator of Soils, Punjab, Chandigarh on behalf of R-1 & R-2 which is taken on record.

4. This Court is happy to know that better sense has prevailed and the impugned order vide endorsement dated January 29, 2014 has been withdrawn and revised seniority list will be prepared according to rules/directions, which this Court understands, would also mean the interim directions contained in the order reproduced (supra). However, since no time frame has been indicated in the affidavit as to when the revised seniority list will be prepared, issued and circulated, an allied direction is issued to the official respondents to complete the exercise within one month from the date of receipt of certified copy of this order and the revised seniority list be published qua the contesting parties.

5. Insofar as CWP No.17216 of 2014 is concerned the matter is stated to be identical to the main case i.e. CWP No.17173 of 2014, as urged

by Mr. Rawat. The difference between the two cases is that in the present case, no impugned order has been passed or letter issued and the seniority list alone has been challenged. So far as CWP No.17216 of 2014 is concerned it will be governed by the main order and in the present case, the revised seniority list will be prepared with respect to effected parties based on the principle of 'catch up' enunciated in ***Ajit Singh Januja-II and others vs. State of Punjab and others***, AIR 1999 SC 3471. Therefore, in the present petition the official respondents would pass a fresh order in accordance with law in terms of the order passed in the main case and accordingly will issue a revised seniority list in composite form involving the prayers in both the petitions as answered by the Court.

6. With these directions, the petitions stand disposed of.
7. Order dasti.

(RAJIV NARAIN RAINA)
JUDGE

11.12.2015
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