

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CWP No.16436 of 1994 (O&M)
Date of Decision: 01.02.2016**

Onkar Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

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

Present: Mr. Y.M. Bhagirath, Advocate,
for the petitioners.

Mr. Harkesh Manuja, Addl. AG, 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. The impugned seniority list of Clerks/Senior Clerks/Junior Assistants/Senior Assistants working in the office of the Chief Engineer, Irrigation Department, Punjab was issued on August 19, 1994 (Annexure P-7).

2. This petition was filed by four petitioners in 1994 complaining that there were some employees whose names were found in the impugned seniority list whose previous ad hoc services had been clubbed with their service after regularization and, therefore, they had stolen a march over them. It is urged that this anomalous position was and is required to be corrected. Even though the law on the subject is clear enough that ordinarily ad hoc would not count towards seniority but in the absence of data on record in the file as to the nature and character of the entry of those who had

the advantage of getting ad hoc service counted for purposes of seniority and is not known then it would be difficult to form a final opinion on the competing rights an interest. The persons likely to be affected by any decision rendered in this case have not been impleaded as parties to the petition. Therefore, no adverse orders can be passed against them. It is too late to allow a request for impleading them whose rights stand settled with no interim order protecting the petitioners all through these years.

3. Mr. Manuja submits that this is a fatal lacuna which though could have been cured in the past but is too late in the day to consider after a passage of twenty three years in a seniority matter. I agree. Skeletons cannot be pulled out of the cupboard by court to consider redetermination of seniority even if there was a scintilla of merit in the petition.

4. The petition stands dismissed.

(RAJIV NARAIN RAINA)
JUDGE

01.02.2016
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