

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

Date of decision: 02.03.2016

CWP No.17870 of 1995

Garib Singh & others

...Petitioners

Vs.

The Jalandhar Central Cooperative Bank Ltd., Jalandhar ...Respondent
and others

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Harit Sharma, Advocate, for the petitioners.

RAJIV NARAIN RAINA, J. (ORAL)

The private respondents cannot be regarded as junior to the petitioners since they have been granted seniority from the dates of joining in 1979 by a judicial order. Once their seniority is protected by a judicial order and period of ad hoc services has been counted towards seniority (which may not hold good as law today) then a judicial order cannot be seen washing out the earlier litigation on the same point and presently attempting to restore the balance of the imbalance created in the disputed seniority, some with and some without benefit of ad hoc service counted towards seniority in the same cadre. A similar situation arose many years ago arising out of judgment of the learned single judge in the case of Malook Singh Vs. State of Punjab, 1992 (2) SCT 133, which granted counting of ad hoc service towards seniority in the office of the Chief Secretary, Punjab among Clerks and Assistants which was upheld by the Supreme Court only later to be declared bad law by the Full Bench decision in Saroj Kumar Vs. State of Punjab, 1998 (3) SCT 664, but by then too late to

withdraw the benefit granted by court directions to a few in the same cadre thereby creating a divide in seniority between those with and without ad hoc service counted in a common seniority list. The field in this case is covered by court orders which have attained finality against the petitioners and the same ground cannot be tread again.

Dismissed.

02.03.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE