

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

**Civil Writ Petition No. 11515 of 2016 (O&M)
Date of Decision: 26.09.2016**

Reetu Jain

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Karamjit Singh Chahal, Advocate
for the petitioner.

Mr. Vaibhav Sharma, DAG, Punjab.
for respondent Nos. 1 to 3/State.

Mr. Jatinder Singh Gill, Advocate for private
respondents Nos. 4 to 24, 26 to 34, 36 to 38, 40 & 41.

Mr. Mahabir Singh Sindhu, Advocate for private
respondents Nos. 25 & 35.

Mr. Vipul Aggarwal, Advocate
for respondent No. 35.

Mr. Raman Goklaney, Advocate for private
respondents Nos. 39 & 42.

JASWANT SINGH, J. (ORAL)

CM Nos. 11766-11767 of 2016

Present two applications have been filed by the petitioner for placing on record the replications to the written statement filed by the private respondents and to the State.

For the reasons set out in the applications, the same are allowed and the replications are taken on record.

Registry is directed to tag/paginate the same at appropriate place.

CM No. 11777 of 2016

Present application is for placing on record the written statement filed by private respondent Nos. 39 and 42. A copy of the same has been furnished to the counsel opposite.

For the reasons set out in the application, present application is allowed and the written statement is taken on record.

Registry is directed to tag/paginate the same at appropriate place.

CM Nos. 7863 and 11197 of 2016

Instant applications have been moved by the private respondents and the State seeking vacation of the interim order dated 02.06.2016, whereby the State Government was restrained from making any promotion from the post of Assistant District Attorneys (ADAs) to Deputy District Attorneys (DDAs).

Notices in the present applications stand issued to the counsel for the non-applicant/petitioner, but till date, no reply has been filed.

CM No. 12184 of 2016

Present application has been moved by the applicant/petitioner seeking withdrawal of the writ petition so as to challenge the seniority list, in view of the replies filed, whereby it is established that the seniority, *inter se*, between the Assistant District Attorneys (ADAs) whose services were regularized in the year 2011 and the ADAs like the petitioner who were recruited on contract basis by Punjab

Prosecution Department in November 2013, already stands finalized and circulated on 03.03.2015. However, a further prayer has been made for continuation of the interim directions as contained in the order dated 02.06.2016 till a fresh writ petition is filed.

MAIN CASE

It is contended on behalf of counsel for the State as well as the private respondents that they have no objection to the application bearing **CM No. 12184 of 2016** moved by the petitioner seeking withdrawal of the petition to challenge the seniority list dated 03.03.2015, however, have argued that the interim directions dated 02.06.2016 were granted on account of incorrect stand projected by the petitioner i.e. the seniority list had not been finalized. Hence, it is submitted that staying entire process of the promotion to the next higher rank is not only prejudicial to the public interest, but also to the lawful claim of the private respondents, moreso, when the interest of the petitioner, if any, can be secured by suitably modifying the interim order, as asserted in the aforementioned applications for modification of the interim order.

It is also pointed out that as per the provisions of 'NOTE' attached to Rule 8 of the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994 providing for/governing determination of seniority, the benefit of previous *ad hoc* service towards seniority cannot be extended. It is further urged that even if the benefit of previous contract service with the PLSA to the ADAs, like the petitioner, is granted, only for the sake of arguments, even then in the light of statutory provisions regarding experience provided under Appendix 'B' to the Punjab

be eligible as of now for promotion to the post of DDAs.

After hearing learned counsel for the parties, without going into the merits of the rival contentions or claims, the aforesaid application moved by the petitioner for withdrawal is liable to be allowed to enable him to challenge the seniority list, however, the interim directions contained in the order dated 02.06.2016 are liable to be modified to the effect that one post of Deputy District Attorney (DDA) in the promotion quota shall be kept in abeyance, till the filing of fresh petition by the petitioner, challenging the seniority dated 03.03.2015 of the Assistant District Attorneys or a period of four weeks ending on 23.10.2016, whichever is earlier.

Ordered accordingly.

CM No. 12184 of 2016 is, thus, partly allowed and the **writ petition** is disposed of with the aforesaid liberty.

CM Nos. 7863 and 11197 of 2016 accordingly disposed of as party allowed in the above terms.

September 26, 2016

'dk kamra'

**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No