

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

Date of decision:13/12/2016

Inderjit Singh

.....Petitioner

VS

State of Punjab and another

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Arinder Singh,Advocate for the petitioner.

Mz.Sudeepti Sharma,DAG Punjab for respondent no.1.

Mr.GS Bal,Senior Advocate assisted by
Mr.ADS Bal,Advocate for contesting respondent no.2.

Jaswant Singh,J(Oral)

Petitioner was promoted as Senior Assistant vide order dated 9.4.2010(P-4). By filing present petition his grievance is that his seniority in the rank of Senior Assistants is not being correctly fixed as his juniors in the lower rank of Clerks have been placed above him in the rank of Senior Assistants. Thus, prayer is for quashing of the order dated 28.10.2014(P-6) whereby invited objections of the petitioner to the tentative seniority list have been rejected.

Upon notice a reply has been filed wherein it is stated that on account of imposition of penalty, promotion of the petitioner from the rank of Clerk as Senior Assistant was delayed and his alleged juniors stood promoted as Senior Assistants vide order dated 5.6.2009, which was never ever challenged by the petitioner. It is thus submitted that inter se seniority of the petitioner and others in the rank of Senior Assistants is being correctly framed, as concededly the petitioner has been promoted later vide order dated 9.4.2010 (P-4) than his alleged juniors in the lower rank of Clerk.

Learned counsel for the petitioner submits that when his juniors were promoted in the year 2009 the petitioner was never made aware of the same and therefore, the claim of seniority of petitioner in the rank of Senior

Assistants cannot be rejected.

Learned counsel for the contesting respondents submits that the raised question of inter se seniority in the rank of Senior Assistants has to relate from the date of appointment in the rank of Senior Assistants. The petitioner has been assigned seniority with effect from the date he has been promoted as Senior Assistant and therefore, the action is perfectly legal and valid. It is further submitted that the question of supersession of the petitioner and promoting his alleged juniors in the rank of Clerk to the post of Senior Assistants was never raised or challenged by the petitioner since the date of cause of action in the year 2009 and therefore, the settled matters cannot be unsettled.

After hearing the learned counsel for the parties, it is apparent that the present petition is devoid of merits in the light of aforesaid admitted facts.

It is a conceded position that the petitioner was superseded at the time of promotion of junior Clerks to the rank of Senior Assistants in the year 2009, which has never ever been challenged by the petitioner. Therefore, his grievance, if any, is barred by law of limitation. As regards fixing of seniority in the rank of Senior Assistants the dates have been correctly assigned as per conceded dates of appointments.

For the reasons stated above,finding no merit the present writ petition is dismissed.

13.12.2016
joshi

(Jaswant Singh)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable:	Yes/No