

CWP No.19303 of 2016

#1# Manoj Kumar
2016.10.17 17:23
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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.19303 of 2016

Date of decision: 07.10.2016

Major Singh and Ors.

....Petitioners

Vs.

State of Punjab and Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. H.S. Minhas, Advocate for the petitioners.

Jaswant Singh, J

Petitioners, who were working as Inspectors (Audit) in the office of Chief Auditor, Cooperative Societies, Punjab, by way of filing the present writ petition has sought a writ of Mandamus directing respondent No.3 to *inter alia* provide correct list of marks scored by each Audit Inspectors in the light of Advertisement No.2 of 1999 and consider their seniority list as on 31.1.2015 (P.1) towards their promotions with a further direction to quash the Seniority List prepared and finalized as on 31.7.2015 (P.2).

It is contended by learned counsel for the petitioners that the impugned seniority list has been finalized by the respondents in a totally arbitrary and illegal manner as the petitioners are senior to the promoted Audit Inspectors and the same is liable to be set aside in view of the score of the petitioner at the time of recruitment/selection.

Heard learned counsel for the petitioner and perused the paper book with his able assistance.

Admittedly, the petitioner Nos.2,3 and 4 were selected and appointed on the basis of an Advertisement No.2 of 1999 and joined their services w.e.f 26.11.2001, 20.11.2001 and 10.12.2001 respectively whereas petitioner No.1 joined on 09.7.2007.

It is necessary to mention here that all the petitioners belong to reserved categories and they have been placed on record in the merit list for the post of Audit Inspectors in pursuance of Advertisement No.2 of 1999 and the details is as under:

<i>Sr.No.</i>	<i>Name</i>	<i>Category</i>	<i>Marks</i>
<i>1. Major Singh</i>		<i>Ex-Serviceman</i>	<i>- -</i>
<i>2. Rajiv Kumar</i>		<i>Freedom Figher</i>	<i>64.75%</i>
<i>3. Bhupinder Kumar</i>		<i>S.C.(Others)</i>	<i>62.5%</i>
<i>4. Sanjiv Kumar</i>		<i>S.C.(Majbi/Balmiki)</i>	<i>61%</i>

There is no dispute that the tentative seniority list dated 12.2.2015 as on 31.1.2015 (P.1) was issued by the respondents and objections were invited from all concerned and after considering the same, the seniority list was finalized as on 31.7.2015 (P.2) and their position is reflected according to their merit list prepared by the Board as Audit Inspectors, which is as under:

<i>Sr.Name</i>	<i>Name</i>	<i>Date of joining</i>
<i>133</i>	<i>Rajiv Kumar</i>	<i>26.11.2001</i>
<i>175</i>	<i>Bhupinder Kumar</i>	<i>20.11.2001</i>
<i>145</i>	<i>Major Singh</i>	<i>09.7.2007</i>
<i>220</i>	<i>Sanjiv Kumar</i>	<i>10.12.2001</i>

The petitioners themselves have submitted that Major Singh has been granted the benefit of all consequential benefits including seniority on the basis of merit position viz-a-viz other candidates selected and appointed out of the same process of

selection except for back wages and he has been assigned the seniority list at Sr.No.145 correctly. The grievance of the petitioners is that the marks reflected in the merit list of Audit Inspectors issued by Chief Auditor, Cooperative Society, Punjab on the basis of Advt.No.2/1999 (P.6) is not correct and the same is manipulated by some Expert, Computer Data Operator on the instructions of senior officer of the Department with malafide intention just to cause a injustice to the reserved category candidates.

The plea of the petitioners that the final seniority list has been prepared on the basis of manipulated marks reflected in the merit list prepared in the year 2001 is absolutely unsustainable at this stage. There is no material to substantiate the allegations of the petitioners that there is any change in the merit list and even otherwise neither any official has been impleaded as a party by name to substantiate the allegation of malafide nor the Audit Inspectors, who are likely to be affected with a final seniority list have been impleaded as party respondent.

In view of the aforesaid, no ground is made out to interfere.

Dismissed.

October 7th , 2016
manoj

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No