

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

**Civil Writ Petition No.21839 of 2016
Date of Decision: 18.11.2016**

Sardul Singh

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Dr. Rau P.S. Girwar, Advocate for the petitioner.

Mz. Sudeepti Sharma, Deputy Advocate General, Punjab
for respondent Nos.1 and 2/State assisted by
Sh. Avtar Singh, Senior Assistant, Welfare Department,
Punjab Civil Secretariat, Chandigarh.

JASWANT SINGH, J. (Oral)

The petitioner was appointed through direct recruitment on 10.12.1996 as a District Welfare Officer. His services were confirmed, vide order dated 09.11.2000 (**Annexure P-4**) on available of a substantive vacancy.

The case of the petitioner is that the petitioner had joined on 10.12.1996 whereas respondent No.3-Jaswinder Singh had joined as District Welfare Officer on 10.01.1997 and was through out shown as junior to him. A reference has been made to the Seniority List till 31.12.2014 (**Annexure P-6**), whereby he has shown as junior to the petitioner.

The grievance of the petitioner is that inspite of Jaswinder Singh (respondent No.3) being junior, he has been promoted as Deputy Director, Welfare Department, Punjab by ignoring the seniority of the petitioner.

Upon notice, reply by way of an affidavit dated 17/18.11.2016 of Sh. Krishan Kumar, Under Secretary has been filed in the Court, which is taken on Court. Copy of the same has been furnished to learned opposite Counsel.

It is asserted that three posts (two General Category and one Scheduled Caste Category) were advertised on 13.12.1995 and as per the recommendations dated 03.10.1996 sent by the Punjab Public Service Commission, Jaswinder Singh (respondent No.3) and Sardul Singh (petitioner) were recommended in the General Category. Jaswinder Singh was placed at Sr. No.1 of the merit whereas the petitioner-Sardul Singh at Sr. No.2. It transpires that since the petitioner had joined prior to Jaswinder Singh, he was being shown senior in the tentative seniority list.

After hearing learned Counsel for the parties, no case for interference is made out.

It is not in dispute that the petitioner and respondent No.3- Jaswinder Singh were selected out of the same selection and respondent No.3 was placed higher in merit than the petitioner. Merely because in the order of confirmation (**P-4**), the petitioner-Sardul Singh is shown at No.1 and respondent No.3-Jaswinder Singh at No.2 cannot negate the provisions of Rule 8 regulating determination of seniority as per the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994 (**Annexure P-3**), whereby a person higher in merit has to be placed above amongst the candidates recruited in the same selection.

In view of the above, the present petition stands dismissed.

November 18, 2016
Gagan

(JASWANT SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>