

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.282 of 2010 (O&M)

Date of Decision: August 05, 2016

Ashok Kumar Kalia and another .....Appellants

versus

State of Punjab and others .....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.  
HON'BLE MR.JUSTICE SUDIP AHLUWALIA.**

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Present: Mr.Vijay Pal, Advocate, for the appellants.  
Mr.Rajesh Bhardwaj, Additional AG, Punjab.  
Mr.Parveen Kumar Garg, Advocate for respondent Nos.3 to 22.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

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**Surya Kant, J.** (Oral)

The controversy in this case pertains to seniority dispute amongst 'direct recruits' and 'promotees'. Learned Single Judge vide the order under appeal has directed for re-determination of seniority on literal interpretation of 'Punjab Forest Subordinate Service (Executive Section) Rules, 1944', which were applicable at the relevant time. The appellants, who were affected by such interpretation, on the other hand, contend that their promotions were inordinately delayed despite availability of vacancies as there was blanket ban imposed by the State Government on promotions.

Since both the parties have raised debatable issues, some of which have not been specifically gone into and there is recent case-law which has a direct bearing on the controversy, we deem it appropriate to

remit the case to the learned Single Judge for afresh adjudication.

For the reasons afore-stated, the appeal is allowed in part; the order passed by learned Single Judge is set-aside and the matter is remitted to learned Single Judge for a decision afresh.

Let this matter be listed before learned Single Judge on 29.08.2016, as per roster.

It is clarified at the cost of repetition that we have not expressed any views on the merits of the case.

Ordered accordingly.

**[SURYA KANT]**  
**JUDGE**

August 05, 2016  
*mohinder*

**[SUDIP AHLUWALIA]**  
**JUDGE**

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|----------------------------------|----------|---------------|
| <b>Whether speaking/reasoned</b> | <b>:</b> | <b>Yes/No</b> |
| <b>Whether Reportable</b>        | <b>:</b> | <b>Yes/No</b> |