

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

CWP No. 20930 of 2012 (O&M)

Date of decision: 24.01.2017

Gurjit Singh & another

...Petitioners

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. P.C. Arora, Advocate,
for the petitioners.

Mr. Rupam Aggarwal, DAG, Punjab.

Mr. Gurpreet Singh, Advocate,
for respondents No. 6 to 11.

JAISHREE THAKUR, J. (ORAL)

1. The instant writ petition has been filed with the following
prayer :

- (i) Issue a writ of Certiorari for quashing the Seniority Lists issued vide office order 13.4.2010 (Annexure P/1) and also the order dated 9.8.2012 whereby the name of the petitioner has been wrongly shown at Sr. No. 42 and 43 by indicating the dates of appointments/ joining as Clerks from 07.08.2008 instead of 27.1.1999 and 10.09.1999 as per order of appointments dated 18.01.1999 (Annexure P-2) and dated 6.09.1999 (Annexure P-4) and further granting the placement scale to the respondents No. 6 to 15 who are junior to the

petitioner respectively and thus the action of the respondents being violative of statutory rules, unconstitutional, discriminatory and confiscatory in the nature is liable to be set aside.

(ii) to issue further appropriate writ, order or directions in the nature of Mandamus directing the respondents to correct the seniority list or amendment of the seniority list mentioned above.

(iii) also further to issue directions for granting the pay scale of Junior Assistant to the petitioners from the date the same has been granted to the respondents No. 6 to 11 who are junior to the petitioner keeping in view the date of their joining/ appointment and the provisions of Rule 10 of Punjab Ayurvedic (Ministerial Staff) Rules, 1963 (Annexure P-12).

2. Learned counsel for the petitioners contends that the petitioners' name has wrongly be shown at Sr. No. 42 and 43 by indicating the date of appointment and joining as Clerk from 07.08.2008 instead of 27.1.1999 and 10.09.1999 as per their appointment letters dated 18.01.1999 and 6.09.1999 (Annexure P-2 and Annexure P-4), with a further prayer for granting of Placement Scale to the petitioner as has been granted to persons junior to them.

3. An additional affidavit dated 20.12.2016 has been filed by Dr. Manjit Kaur Mohi, Director, Department of Medical Education and Research, Punjab, pursuant to an order dated 09.08.2016, wherein it is

submitted that there is no separate seniority list of Clerks working under the Control of Director Research and Medical Education, Punjab in Govt. Ayurvedic College, Patiala and the name of the Clerks working under Director Research and Medical Education, Punjab are included in the common seniority list which is prepared and maintained by Director, Ayurvedic Department Punjab i.e. respondent No.4.

4. It is also submitted in para 9, 10 & 11 of the aforesaid affidavit that communication has already been addressed to the Director of Ayurvedic Department Punjab, Chandigarh to include the names of the petitioners in the seniority list of the Clerks from the date of their appointment at Sr. No. 30 and 31 instead of Nos. 42 and 43. It is conceded that the names of the petitioners are to be shown in the seniority list by taking the date of joining in the Department of Ayurveda i.e. 27.01.1999 and 10.09.1999 and that the seniority list needs to be corrected and amended accordingly.

5. I have heard learned counsel for the parties and in view of the additional affidavit that has been filed on 20.12.2016, Director of Ayurvedic Department Punjab, Chandigarh is hereby directed to make the necessary correction in the seniority list within a period of two months from the date of receipt of a copy of this order along with all consequential benefits.

6. The writ petition stands allowed accordingly.

24.01.2017

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.