

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

CM-15810-11-CWP-2015 in/and
CWP-6041-1995 (O&M)
Date of decision:4.9.2018

Gurmit Singh

...Petitioner

Versus

PSTCL and others

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.Sarvesh Malik, Advocate for the applicant/petitioner

Mr.Amit Sethi, Advocate for respondent No.1.

Mr.BS Aulakh, Advocate for respondent Nos.5,8, 12, 13,
17, 20, 42, 56, 59, 68, 69, 71, 75, 76

Respondent No.9 in person

JITENDRA CHAUHAN, J.

CM-15810-CWP-2015

Having heard the learned counsel for the parties and in view of the reasons mentioned in the application, the same is allowed and the delay of 524 days in filing the restoration application is condoned.

CM-15811-CWP-2015

The present application is for restoration of the main case, which was dismissed for non prosecution vide order dated 26.5.2014.

For the reasons enumerated in the application, the same is allowed and the order dated 26.5.2014 is recalled and the main case is ordered to be listed to its original number.

CWP-6041-1995

The present writ petition under Article 226 of the Constitution of India has been filed for quashing the tentative seniority lists prepared vide Annexures P4, P-5 and P-8 and also order Annexure P-3 and also directing the respondents to recast seniority list as per bye laws from the date of regular appointment instead of regular deemed date of regularization.

Learned counsel for the petitioner submits that the case of the petitioner is covered by the ratio of law laid down by this Court in **CWP-1267-1999**, titled as “**Darshana Sharma and others vs. Punjab State Tubwell Corporation and others**” decided on 26.9.2013. The LPA filed against the said judgment stands dismissed and thus, it has attained finality. Learned counsel states that he will be satisfied in case direction is issued to respondent No.1 to decide his case in view of the law laid down in **Darshana Sharma and others' case (supra)**.

Heard.

In view of the above, without reflecting upon the merits of the case, respondent No.1 is directed to examine the case of the petitioner in the light of the law laid down in **Darshana Sharma and**

others' case (supra) and in case, on examination, he reaches to the satisfaction that the case of the petitioner is covered by **Darshana Sharma and others' case (supra)**, the consequential relief be given to her within 8 weeks thereafter. However, in case, on consideration, the competent authority reaches to the satisfaction that the case of the petitioner is not covered under the aforesaid authority, in that eventuality, a detailed order be passed.

4.9.2018
gsv

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No