

**217 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No. 23944 of 2015.
Date of Decision: 18.12.2018**

Kewal Singh and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present:- Mr. Ranjivan Singh Advocate,
for the petitioners.

Mr. Vikas Mohan Gupta, Addl. AG Punjab.

JITENDRA CHAUHAN J.

Through the instant civil writ petition, the petitioners seek quashing of seniority list of Multipurpose Health Supervisors (Male) circulated vide memo dated 05.06.2012 (Annexure P-10) and re-circulated vide memo dated 13.02.2015 (Annexure P-14). The petitioners also seek issuance of a writ in the nature of mandamus directing the respondents to re-cast/finalize their tentative seniority list.

At the outset, the learned State counsel has informed that during the pendency of present civil writ petition, the respondents-department has issued office order dated 03.07.2018 (Annexure R-1) whereby the claim of the petitioners has been accepted in principle by granting them the promotion as Multi Purpose Health Supervisors (Male) with effect from 14.10.2009/10.04.2007/06.04.2011 i.e the dates when their juniors were promoted.

However, the learned counsel for the petitioners states that although, the promotions have been made from back date but the same

has been granted on notional basis without any arrears. It is contended that for the delay caused by the department in finalizing the seniority list, the petitioners cannot be put to disadvantageous position.

Heard.

This Court is of the opinion that once the petitioners have been promoted retrospectively, promotion order needs to be given effect to for all intents and purposes. It is made out from the record that the promotions were delayed on account of non-finalization of seniority. The petitioners had to even knock the door of this Court in the earlier round of litigation for directing the department to finalise the seniority. In this view of the matter, the delay is not attributed to the petitioners. Therefore, the petitioners cannot be deprived of their legitimate claim and the respondents being a model employer cannot be allowed to put the petitioners at a disadvantageous position.

Consequently, the present civil writ petition is allowed. The respondents are directed to release the arrears of pay to the petitioners on account of promotion from the date of passing the order dated 03.07.2018 (Annexure R-1). The necessary exercise be done within a period of eight weeks from the date of receipt of copy of the judgment.

18.12.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No