

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

**Civil Writ Petition No. 9034 of 2016 (O&M)
Date of Decision: 14.09.2018**

Ajay Pal Kashnia and another

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: None for the petitioners.

Mrs. Sudeepti Sharma, Additional Advocate General, Punjab
for the respondents/State.

JASWANT SINGH, J. (ORAL)

Petitioner No. 1 (Ajay Pal Kashnia) and petitioner No. 2 (Sukhinder Singh) are serving as Lecturer in '*Geography*' and '*Punjabi*', respectively with the Department of Secondary Education, Punjab. They were selected in November 2006, however were not issued appointment orders till 29.08.2008 (**Annexures P-1 & P-2, respectively**).

By filing the present writ petition, the prayer is for quashing the seniority list of Lecturers dated 20.11.2015 (**Annexure P-9**).

It is claimed that the petitioners' seniority have not been correctly fixed and the same has to be fixed as per the *inter se* merit of the Lecturers, being of the same batch, who were recruited by way of direct recruitment as per the merit list prepared by the recruiting agency. The petitioners also pray for notional re-fixation of their pay with effect from December 2006, when their batch-mates were appointed.

Upon notice, a reply by way of affidavit dated 26.09.2017 of

(SE), Punjab, has been filed, wherein para Nos. 2 and 3 read as under:-

- “ 2. That in this regard it is submitted that the grievance of the petitioners has been redressed. Vide order dated 16-06-17 and 24-12-15 respectively, seniority of the petitioners has been correctly re-fixed at No. 5128-A and 5132-A respectively. The said seniority has been assigned to the petitioners as per their merit at the time of their direct recruitment and also from the date i.e. December 2006, when candidates of the same batch were given appointments.
3. That further, on the basis of their re-fixed seniority w.e.f. December 2006, pay of the petitioners has been re-fixed on notional basis. The petitioner No. 1 has been paid an amount of Rs. 40,260/- on account of arrears of pay and the case of petitioner No. 2 for payment of arrears to the tune of Rs. 50,891/- has been prepared vide letter no. 16/18-2015 Estt-5(3) dated 13.07.2016 and is pending with District Treasury Office for clearance. ”

Learned State Counsel, in view of the above, states that the present petition has become infructuous, as the grievance, in question, has been redressed.

Neither anyone has come on behalf of the petitioner to rebut the contention nor any replication has been filed.

'Dismissed as Infructuous'.

September 14, 2018

'dk kamra'

**(JASWANT SINGH)
JUDGE**

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