

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

CWP No.5448 of 2018 (O&M)

Date of decision: 07.03.2018

Sanjay Kumar and others

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Kapil Kakkar, Advocate for the petitioner(s).

Jitendra Chauhan, J. (Oral)

By way of the present petition, the petitioner(s) seek(s) issuance of a writ in the nature of certiorari for quashing the seniority list of Junior Engineers (Electrical) in PSIEC as circulated vide office circular dated 28.10.2015 (Annexure P-8) and order dated 09.03.2017 (Annexure P-10) passed by respondent No.3, vide which the objections raised by the petitioners to the said tentative seniority list (Annexure P-8) have been rejected.

It is contended that the petitioners joined the respondents Corporation as Electricians on daily wages/work charged basis. Thereafter, they were promoted as Project Junior Engineer and on the basis instruction/policy issued by Govt., of Punjab from time to time, the services of the petitioners were regularized in the year 2013 (Annexure P-6). Learned counsel further contends that respondent No.4 was appointed on compassionate ground as Junior Engineer (Electrical) in the same pay

scale as that of the petitioners i.e. Rs.5800-9200, vide appointment order dated 28.01.2008 (Annexure P-7). The respondents vide circular dated 28.10.2015, after inviting objections had framed the tentative seniority lists of JEs, SDEs and Xens, wherein name of respondent No.4 who joined much later than the petitioners, figured at Sr. No.3, whereas, name of petitioners figured at Sr. Nos.4,5 and 6 respectively (Annexure P-8). Objections raised by the petitioners to the seniority list were rejected after holding that the appointment of respondent No.3 is prior to the regularization of the petitioners, which is arbitrary and illegal in nature. Hence the present writ petition.

Heard.

The precise grievance raised by the petitioners are that respondent No.4 being junior to them has been placed at Sr. No.3 in the tentative seniority list, whereas, they have been placed at Sr. Nos. 4 to 6 respectively. The petitioners had joined the respondents Corporation as Electricians on daily wages/work charged basis and subsequently, they were promoted as Project Junior Engineer in the pay scale of Rs.5800-9200, vide order dated 18.02.2002 (Annexure P-1). The services of the petitioners were regularized in the pay scale of Rs.10300-34800+4800 grade pay w.e.f. 01.07.2013, vide order dated 02.08.2013 (Annexure P-6). Respondent No.4 was appointed on compassionate ground as Junior Engineer (Electrical), by virtue of appointment letter dated 28.01.2008 (Annexure P-7) which is much prior to the regularization of the petitioners i.e. 01.07.2013. A perusal of the tentative revised seniority list

emerges that the date of coming in the scale of Junior Engineers (Electrical) of the petitioners has been mentioned as 01.07.2013 and of respondent No.4 is 29.01.2008. Thus, from the above, no fault can be found in the seniority list prepared by the respondents Corporation. Accordingly, finding no merit in the instant petition, the same is hereby dismissed.

07.03.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No