

**LPA no.944 of 2017 (O&M)  
and connected cases**

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

**1. LPA no.944 of 2017 (O&M)**

Gurjit Singh and others

....Appellant(s)

Versus

State of Punjab and others

...Respondent(s)

**2. LPA no.963 of 2017 (O&M)**

Jasbir Singh and others

....Appellant(s)

Versus

State of Punjab and others

...Respondent(s)

**3. LPA no.1501 of 2017 (O&M)**

Manmeet Singh and others

....Appellant(s)

Versus

State of Punjab and others

...Respondent(s)

**Date of Decision : 06.09.2018**

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER  
HON'BLE MR JUSTICE MAHABIR SINGH SINDHU**

**Present : Mr. Gopal Singh Nahel, Advocate for the appellant(s)**

**MAHESH GROVER, J.(ORAL)**

By this order we will dispose of three civil writ petitions  
bearing nos. 944, 963 and 1501 of 2017.

The instant appeals are directed against judgment of the learned

regarding the notification dated 19.9.2014 and in particular, the following clause:-

“1. For running 5752 schools (alongwith 13034 posts sanctioned) under the management of Zila Parishads under Rural Development and Panchayat in Punjab State, are hereby transferred in education department and the ETT Teachers alongwith posts, working presently, is hereby merged in the cadre of ETT Teachers of the education department and the date of their service for the purpose of their salary, pension and leave etc will be counted from the enrolment/appointment of ETT Teachers. After the receipt of the cadre, the seniority of these ETT Teachers will be counted just from the date of their joining in the Education department.”

The merger itself was not questioned as is evident from the prayer clause which is also extracted herebelow:-

i) Issue a writ in the nature of Certiorari quashing the impugned clause (1) of Letters dated 19.9.2014 and 5.10.2014 (Annexure P-5 and P-6) which provides that the seniority of ETT teachers will be maintained from the dates of their joining in Education Department, meaning thereby, their past service rendered with the Zila Parishad stands forfeited, which is contrary to law laid down by this Hon'ble Court in CWP no.13633 of 2005, decided on 22.9.2006, which specifically

provides that the employees cannot be treated as fresh entrant as they had been appointed much prior to the impugned notifications/letters.

Evidently, the cause of grievance to the appellants as the writ petitioners was likelihood of being assigned seniority which they perceive is likely to be to their detriment as they were in service much prior to the incumbents who were now to gain access to the cadre on account of merger. Before the writ petition could be decided it seems that a revised seniority list came into existence and the learned Single Judge while noticing the fact directed the respondents to supply its copy to the writ petitioners within a period of two weeks with a liberty to challenge the same, if they were aggrieved of it.

After hearing learned counsel for the appellants, we do not find any reason to interfere with the impugned judgment considering that the appellants had never questioned merger of two cadres and were aggrieved only of the seniority likely to emerge thereafter. If the revised seniority is result of the merger then the interest of the appellants had been adequately safeguarded by granting them liberty to impugn the same. We, therefore, dismiss the instant appeals by keeping in view the directions given by the learned Single Judge in the impugned orders.

(Mahesh Grover)  
Judge

06.09.2018  
rekha  
Whether speaking/reasoned  
Whether reportable

(Mahabir Singh Sindhu)  
Judge  
Yes/No  
Yes/No