

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 667 of 1996 (O&M)

Date of Decision: 10.04.2019

Pritam Singh & Ors.

... Petitioners

versus

P.R.T.C. Patiala & Ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : None for the petitioners.

Mr. Abhaypal Singh Gill, AAG Punjab.

ARUN MONGA, J. (ORAL)

1. There is no appearance on behalf of the petitioners nor any request has been made on their behalf. This petition is lying admitted since 1999. I find no justification in keeping the matter pending. I have carefully gone through the paper-book containing the pleadings of the parties and the documents appended in support thereto and heard the learned State counsel.

2. It is the case of the petitioners that the persons who are in lower grade have been granted seniority above them and therefore the promotion of those junior employees be quashed by setting aside the promotion order dated 25.09.1995 (Annexure P-4). A consequential relief has also been sought for issuance of a writ in the nature of *mandamus* directing the respondents to promote the petitioners by treating them seniors to the persons who were in lower grade and to award the petitioners all benefits and arrears along with interest.

3. Succinctly put, the factual backdrop is that the petitioners were originally appointed in the pay scale of Rs.110-250 as Assistant Store Keepers,

whereas the Diesel Pump Attendants/ Ticket Stock Verifiers, at the relevant time i.e. prior to 01.01.1978 were in the pay scale of Rs.110-200. However, w.e.f. 01.01.1978 the pay scale of the petitioners was revised to 400-660- and that of Diesel Pump Attendants/ Clerks/ Assistant Cashier/ Cashier/ Ticket Stock Verifiers/ Pump Attendants was revised to 400-600.

4. Vide an order dated 14.12.1991 (Annexure P-1), it was decided to make a joint seniority list for the Clerical cadre of Assistant Store Keepers, Clerks, Diesel Pump Attendants/ Clerks and Ticket Stock Verifiers/ Clerks. Subsequently, even the Cashiers and Assistant Cashiers were integrated in the same joint seniority list (Annexure P-2).

5. The stand of the petitioners is that while making the joint seniority list, they have been placed below the persons who were in lower pay grade and have been, thus, rendered junior to them. The petitioners, thus, contended that originally coming from higher pay grade, they were/ are entitled to be ranked higher in the joint seniority list. Reliance was placed by them in the petition on Regulation 12(d) of the Pepsu Road Transport Corporation Conditions of Appointment and Service Regulations, 1981(for brevity, Regulations 1981) which envisaged that a person in higher pay grade is entitled to be ranked senior to the person lower in the pay grade.

6. In nutshell, the case of the petitioners is that Assistant Store Keepers were higher in pay grade to that of Clerks/ Cashier/ Diesel Pump Attendants and, therefore, they are entitled to be ranked senior in the joint seniority list and are also entitled to higher pay scale.

7. In the reply, the respondents took the stand that before revision of pay scales, the Clerks were in the pay scale of Rs.60-175, whereas Assistant Store Keepers were drawing pay scale of Rs.50-100. Subsequently, an identical

selection grade of Rs. 510-800 was allowed to all the categories. However, to bring the Assistant Store Keepers at par with Clerks they were allowed pay scales of Rs.950-1800, 1200-2100, 1500-2600 jointly with Clerks vide order dated 04.12.1991 in the ratio of 40:40:20. Later, an amendment was carried out in Regulations, 1981 vide order dated 20.11.1991 and the Board of Directors approved the proposal of promotion of Store Keepers and Assistant Store Keepers to the post of Assistant and their merger in the clerical cadre and the promotions were rightly made. The petitioners never resisted the promotion of Assistant Store Keepers and Store Keepers as Senior Assistant and they have no preferential rights of promotion over the other categories with which they were merged for the purpose of promotion to the post of Assistant.

8. Having perused the pleadings of the parties and the accompanied documents, I am of the opinion that the contentions of the petitioners are misplaced in view of the amendments made in the Regulations, 1981 vide order dated 20.11.1991, which were duly certified by the Additional Labour Commissioner vide order dated 09.07.1991. The Board of Directors of PRTC in its meeting held on 24.04.1991 had approved the proposal of promotion of Store Keepers and Assistant Store Keepers to the post of Assistant and consequentially it was decided that the cadre of Store Keepers/ Assistant Store Keepers be merged in the clerical cadre.

9. It is apt to mention here that the Board of Directors in its meeting held on 15.05.1992 approved and decided the merger of cadre of Cashier and Assistant Cashier in the clerical cadre w.e.f. 01.01.1986 and giving revised scales in 40:40:20 ratio in the joint seniority list of clerical cadre consisting of Clerks, Ticket Stock Verifying Clerks, DPC, Assistant Store Keeper, Store Keepers, Assistant Cashier and Cashier vide office order dated 20.05.1992 (Annexure P-2).

10. It has also come in the reply filed by respondents that the impugned order dated 25.09.1995 was passed pursuant to the directions issued by this Court in CWP No. 6706 of 1994 filed by the petitioners and total nine Assistant Store Keepers and Store Keepers were promoted as Senior Assistants and the petitioners never raised any objection to their promotion.

11. In view of my discussion above and the reasons contained therein, I am of the opinion that Store Keepers and Assistant Store Keepers have been rightly promoted vide order dated 25.09.1995 and the petitioners' claim to promotion in violation of the joint seniority list cannot, therefore, be granted. The petitioners did not have any preferential right as a separate class in the joint seniority list, once all the other categories were merged therein.

12. The writ petition is accordingly dismissed. No order as to costs.

(ARUN MONGA)
JUDGE

April 10, 2019
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| 1. Whether speaking/ reasoned: | Yes/ No |
| 2. Whether reportable: | Yes/ No |