

**Sr. No.229
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.22830 of 2015 (O&M)

Date of Decision: 29.04.2019

Gurmeet Singh and others

... Petitioners

Versus

Chandigarh Administration and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Jagdeep Jaswal, Advocate,
for the petitioners.

Ms. Harjeet Kaur, Advocate for
Ms. Deepali Puri, Advocate,
for respondents No.1 to 3.

Mr. B.S.Bajwa, Advocate,
for respondent No.4.

ARUN MONGA, J.(ORAL)

The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari to quash the impugned Final Seniority List dated 02.12.2013 (Annexure P-7). Further prayer has been made for directing the official respondents to re-cast the 'Seniority List' by applying the 'Catch-Up' Principle.

2. Relying on the Constitution Bench's judgment of the Apex Court rendered in ***Indira Sawhney and others Vs. Union of India, 1992 supp (3) SCC 217***, the petitioners who were working as 'Fireman' in 'General Category' and were admittedly senior to the private respondent No.4 who is from 'Scheduled Caste Category' gave a representation to the respondent-Municipal Corporation,

Chandigarh against the tentative Seniority List dated 17.10.2013 (Annexure P-4), which was not adverted to.

3. Petitioners gave their respective representations dated 25.04.2000 Annexures P-5 and Annexure P-6 respectively, which were also not adverted to. Petitioners yet again submitted follow up representations dated 24.09.2015 (Annexure P-8) and 23.09.2015 (Annexure P-9), which too were not considered by the respondent-MC. 'Final Seniority list' dated 02.12.2013 (Annexure P-7) was prepared, wherein petitioners were shown junior to respondent No.4 without giving them the benefit of catch-up principle in terms of Indira Sawhney judgment, *ibid*.

4. In the premise, I am of the opinion that respondents ought to have considered the objections/representations raised/filed by the petitioners while finalizing the 'Seniority List'.

5. The writ petition is disposed of with a direction to the respondents to pass a speaking order within a period of 03 months by considering the objections contained in the representations submitted by the petitioners. In the event, the petitioners are found entitled to the benefit of catch-up principle, the benefit thereof shall be granted to them within a period of two months thereafter by re-drawing the seniority list.

6. Writ petition is disposed of in the above terms.

(ARUN MONGA)
JUDGE

29.04.2019

vandana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No