

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

CWP-4452-2015 (O&M)  
Date of Decision:-28.02.2019.

Harjeet Kaur and others

.....Petitioners

Versus

Punjab State Power Corporation Limited and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

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Present: Mr. B.S. Patwalia, Advocate for the petitioners

Mr. Vivek Sharma, Advocate for the respondents.

Mr. Anil Mehta, Advocate for  
Mr. Pankaj Jain, Advocate for the applicants in  
CM-16557-CWP-2017.

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**ARUN MONGA, J. (Oral)**

**CM-16557-CWP-2017**

For the reasons stated in the application, the same is allowed.

The applicants as mentioned in para 6 of the application are  
ordered to be arrayed as respondents No.3 and 4.

Amended memo of parties is taken on record.

**CWP-4452-2015 (O&M)**

Learned counsel for the petitioners states that case of the  
petitioners is squarely covered by a Division bench judgment rendered by  
this Court in LPA-450-2011, the operative part of which is extracted

hereinbelow:-

*“We find substance in this submission of learned counsel for the appellants. We, thus, clarify that absence of the qualifying test will be of no consequence and would not be determinative factor and if the two persons are promoted on the same date, it is the senior in the feeder cadre, who would rank senior in the promotional cadre as well.”*

2.) On a query posed by this Court, learned counsel for the respondents fairly states that the applicability of law as enunciated in the judgment, *ibid* is not disputed. Thus, it is an irrefragable situation that seniority list of the Steno-Typists and the Junior Scale Stenographers has to be re-determined in its entirety according to the Division Bench judgment, *ibid*. The said judgment has since attained finality as an SLP filed against the same was dismissed by the Supreme Court of India vide order dated 30.09.2013.

3.) The learned counsel for the respondents while being in agreement on the applicability of the judgment, *ibid*, has argued that the case of the petitioners is hit by the vice of delay and laches as they have approached the Court at a belated stage. I am unable to accept the said argument advanced by the learned counsel for the respondents. The reason is that it was the duty of the respondents to prepare the correct seniority list. They cannot take advantage of their own wrong in as much as there has been lapse on their part to refix the seniority list as directed by this Court. The petitioners are suffering on account of delay caused by the respondents and even if they would not have approached this Court, they are entitled to the benefit of refixation of the seniority list. The inappropriate and the incorrect decision of the respondent has been put to rest by a decision of the

Division Bench of this Court in LPA No.450 of 2011.

4.) Learned counsel for the petitioner has brought to my notice that a co-ordinate Bench of this Court has decided another case of similarly situated persons who approached this Court vide CWP No.28629 of 2017 even later than the present petitioners and their claim was allowed in terms of the Division Bench decision passed in LPA-450-2011 and the present petition has been instituted much prior in time. Accordingly, the argument of learned counsel for the respondents that the petitioners have approached this Court at a belated stage is not tenable.

5.) In view of my discussion above and the reasons therein, the present petition is allowed. The respondents are already under directions to refix the seniority list. Let the needful qua the petitioners be also done within a period of 3 months from today, in terms of the Division Bench order passed in LPA-450-2011.

**(ARUN MONGA)**  
**JUDGE**

**February 28, 2019.**

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.