

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

**CWP NO. 799 OF 2014
DATE OF DECISION : 19.09.2019**

Ramesh Chand Azad

...Petitioner

versus

Union of India and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. P. K. Sharma, Advocate,
for the petitioner.

Mr. P. S. Kanwar, Advocate,
for the respondents.

ARUN MONGA, J. (ORAL)

The short controversy involved herein is that concededly, the petitioner was unable to undergo promotional course along with his other colleagues (juniors), due to circumstances beyond his control, but having later cleared it in the very first attempt has not been given the benefit of Standing Order No.1/92 dated 22.07.1992 (Annexure P-1). Standing Order envisages which envisages that in case a candidate later on qualifies the concerned promotional course in the first attempt, he is allowed to claim his seniority from the date on which his juniors were promoted.

2. In the return filed on behalf of the respondents, in para no.3 of the preliminary objections, following stand has been

taken :

" That as the petitioner had not done SCC/PPSLC and 'C' List Test as per his seniority due to administrative reasons his seniority was protected with his other colleagues in approved List 'C'-2001 (Feb – 2001) on qualifying 'C' List Test-2002 in first attempt by him as per provisions of Standing Order No.1/92 vide Dte. Genl. Order dated 10.02.2003 (copy of the same is appended as Annexure R-3). His seniority has been reviewed and re-fixed again in Approved List 'C' 2001 (Feb-2001) at SI No. 741-a Memorandum dated 31.07.2001 and amendment mentioned in Seniority list 2011 of HC/GD circulated vide Dte. Genl. Memorandum no.1 dated 10.12.2013 at Sr. No.2206 (copy of the same is appended as Annexure R-4) with the date of promotion 20.12.2001 (in place of 20.09.2002) from date by which his just seniors as well as just juniors were promoted. Accordingly the advocate of the petitioner was replied vide letter dated 30.12.2013 (copy of the same is appended as Annexure R-5) in reply to his legal notice dated 29.08.2013. Therefore, now there is no discrepancy in his seniority of HC/GD. However, his consequence seniority is being protected and promoted according to seniority re-fixed in Seniority List of HC/GD circulated vide Dte. Gel ITBP Memorandum dated 10.12.2013 (copy of the same is appended as Annexure R-4).

3. Perusal of the above clearly reflects that the petitioner has been given promotion with effect from the year 2001 when his juniors were promoted and he has been assigned seniority at S1 No.741-A with effect from 31.07.2001.

4. Confronted with the situation, learned counsel for the petitioner submits that the petitioner's grievance stands mitigated as long as his seniority is maintained at S1 No.741-A.

5. The writ petition is disposed of with a direction to the respondents to abide by the contents of para 3 of the preliminary objections of their written statement and maintain the seniority of petitioner at S1 No.741-A with effect from 31.07.2001.

(ARUN MONGA)
JUDGE

SEPTEMBER 19, 2019
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Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No