

CWP-8410-1993

Date of decision: 27.01.2020

LAKHWINDER SINGH

...PETITIONER

V/S

STATE OF PUNJAB & ANOTHER

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Ms. Maninder Kaur, Advocate,
for the petitioner.

Ms. Anju Sharma Kaushik, Advocate,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court challenging the seniority assigned to the petitioner from the date of completion of his training as per the merit determined by the recruiting agency. This action of the respondents is in violation of the provisions of Rule 9 (II) (iii) of the Punjab Kanungo Service (State Service Class III) Rules, 1976.

It is asserted that the private respondents have been given the seniority merely because they had completed their training prior to the petitioner. It is further asserted that the petitioner has been granted seniority from 31.07.1990 which is not sustainable rather he should be granted the seniority as per Rule 9 (II) (iii) of the Punjab Kanungo Service (State Service Class III) Rules, 1976. She, therefore, contends that the action of the respondents cannot sustain and deserves to be set aside.

Counsel for the respondents, on the other hand, contends that while issuing the appointment letter, the appointing authority i.e. the Collector, Gurdaspur had, vide letter dated 25.01.1988 addressed to the petitioner, mentioned that the regular appointment shall only be made after the completion of his training as well as clearing required examination under the Rules. Petitioner had completed his training on 15.07.1990 and was appointed on regular basis as Kanungo vide order dated 31.07.1990 and, therefore, has been assigned seniority from the said date. It is, thus, asserted that the petitioner being fully aware of the fact that it is on his completion of the training that he would be assigned the seniority, the action of the respondents cannot be faulted with.

Counsel for the petitioner states that the petitioner has been granted the benefit of the training period while assigning the seniority and, therefore, this grievance of the petitioner has been taken care of. She, however, states that as per the posting order, petitioner has been shown at Sr. No. 8 whereas the other 7 candidates, who have been shown above him in the posting order dated 31.07.1990, were lower in merit determined by the recruiting agency.

This fact is not disputed by the respondents in their reply which has been filed.

Keeping in view the statutory Rules governing the service of the petitioner, petitioner has to be assigned seniority as per the merit determined by the recruiting agency which, admittedly, had placed the petitioner at Sr. No. 1.

In the light of the above, the present writ petition is allowed.

Petitioner is directed to be placed at Sr. No. 1 in the seniority list amongst

the batch-mates of the petitioner. The said exercise, if already not carried out, be so done within a period of six weeks from today.

January 27, 2020

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No