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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.13910 of 2020
Date of decision: 09.09.2020

Harnek Singh and another

.....Petitioner(s)

V/s.

State of Punjab and another

.....Respondent(s)

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Gagan Pradeep Singh Bal, Advocate for the petitioners.

Ms. Anu Chatrath, Additional Advocate General, Punjab.

Sanjay Kumar, J.

The petitioners, two in number, are Principals in the physically handicapped category. They are aggrieved by the seniority list dated 07.08.2020, wherein they were shown as juniors to respondents No. 3 to 8. They also assail the order dated 28.07.2020, whereby the objections raised by the first petitioner, in relation to this seniority list, were rejected.

As this Court does not propose to entertain this writ petition or go into the merits of the petitioners' challenge to the seniority list dated 07.08.2020, there is no necessity to put the unofficial respondents on notice or afford them an opportunity of hearing.

Though the impugned seniority list is titled 'Final seniority list of PES (School and Inspection) Group A Cadre', it appears that objections were entertained in relation thereto and the first petitioner was one of those

who raised his objections, under letter dated 10/11.06.2020. However, by the impugned order dated 28.07.2020, his objections were rejected.

Perusal of this order reflects that the objections were considered on merits and were rejected with the following terse observation:

'Decided that as per guidelines of Government, not considering the roster point as seniority point, from which cadre employee is promoted, seniority of that cadre be maintained.'

The aforestated rejection, apart from being incomprehensible and cryptic, fails to address the objections raised by the petitioners, which have been placed on record as Annexures P-12 and P-13. When the authorities deemed it fit and appropriate to entertain the petitioners' objections to the seniority list and respond thereto, it was incumbent upon them to undertake the exercise sincerely and in right earnest and furnish proper reasons if they were of the opinion that the objections were without merit. The cryptic response communicated under the letter dated 28.07.2020 would therefore not suffice or meet the required standard. That being so, it would be appropriate that the authorities concerned consider the objections raised by the petitioners on their own merits afresh.

Mr. Gagan Pradeep Singh Bal, learned counsel for the petitioners, would state that there is a possibility of the authorities undertaking promotions on the strength of the impugned seniority list and it would be necessary that the authorities reconsider the objections of his clients well before a Departmental Promotion Committee is convened for that purpose.

The respondent authorities are accordingly directed to reconsider the petitioners' objections (Annexure P-12 and P-13) on merits and in accordance with law. The petitioners shall be afforded a personal hearing by giving them prior notice of at least two days. In the event the authorities find merit in the petitioners' objections warranting any change being made in the seniority list, a similar exercise shall be undertaken with all those who would be adversely affected by any such change, by giving an opportunity to respond and also a personal hearing. Thereupon, a speaking order shall be furnished to all parties concerned, setting out the reasons for the decisions taken, one way or the other. Necessary further action, if warranted, shall also be taken in relation to fixation of the seniority. This entire exercise shall be completed before convening of a Departmental Promotion Committee for affecting further promotions on the strength of the impugned seniority list dated 07.08.2020.

The writ petition is disposed of with the above directions.

No order as to costs.

(SANJAY KUMAR)
JUDGE

09.09.2020

rakesh

whether speaking/non speaking

:

Yes/no

whether reportable/non reportable

:

Yes/no