

116

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

CWP-21360-2020 (O&M)
Date of decision: 11.12.2020

Sachin Kumar

...Petitioner

Versus

Municipal Corporation, Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Shubham Saroha, Advocate for the petitioner.

Ms. Deepali Puri, AAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

The petitioner has assailed the final seniority list issued on 07.11.2019 with respect persons working as Firemen with Municipal Corporation, Chandigarh. Their services are governed by the Punjab Civil Service (General and Common Conduct of Service) Rules 1994. Rule 8 whereof reads as under:-

“8 Seniority:- The seniority inter se of persons appointed to posts in each cadre of a service shall be determined by the length of continuous service on such post in the cadre of the service.

Provided that in the case of persons recruited by the direct appointment who join within the period specified in the order of appointment or with such period as may be extended from time to time by the appointing authority subject to a maximum of four months from the date of order of

appointment, the order of merit determined by the commission or the Board as the case may be shall not be disturbed.”

It is not disputed that the petitioner was in the waiting list and subsequently joined the service on 19.09.2007. The petitioner has been assigned the seniority on the basis of continuous length of service as provided in the Rules.

Learned counsel for the petitioner contends that the petitioner should have been placed higher up. He submits that at the most the petitioner could be placed at the tail of 2007 batch employees from the general category.

This Court has considered the submissions. The petitioner was not initially appointed on account of the fact that in the merit list prepared during selection, his name was placed at Sr.No. 1 in the waiting list. He came to be appointed subsequently on account of vacancy arising. He joined the service on 19.09.2007. The other employees who have place above him or depicted senior to him in the seniority list, were appointed and joined much prior than the date when the petitioner joined.

The petitioner has also not impleaded anyone as party respondent. Still further, once the petitioner has joined on 19.09.2007, then no fault can be found with the seniority list prepared in accordance with Rules.

Hence, the present writ petition is dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the above-stated order.

11.12.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No