

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

CWP-7645-2003

DATE OF DECISION: 16.05.2022

BALWINDER SINGH

... Petitioner(s)

Versus

PSIEC LTD. AND ORS.

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Ravi Kant Sharma, Advocate for the petitioner.

Mr. Vikas Chatrath, Advocate
Ms. Nishtha Grover, Advocate &
Ms. Niharika Mittal, Advocate for respondent No.1.

Ms. Alka Chatrath, Advocate and
Ms. Daljit Kaur, Advocate for respondent No.2.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 29.11.2002 whereby respondent No.2 has been promoted to the post of Junior Engineer and the order dated 24.10.2007 whereby the Corporation held respondent No.2 to be senior to the petitioner.

Learned counsel for the petitioner submits that the petitioner was initially appointed as Head Mali/Supervisor and thereafter had worked on muster roll as Horticulture Supervisor. He was promoted to the post of Horticulture Supervisor on 01.05.1991 on work charge basis while respondent No.2 had joined as Horticulture Supervisor on 10.12.1992. Therefore, the petitioner should have been promoted ahead of respondent No.2 and he should be ranked senior to respondent No.2.

Learned counsel for respondent No.1 submits that the petitioner had been appointed as Head Mali on muster roll on 01.08.1990. He was

appointed as Supervisor on muster roll on various dates. The petitioner was earlier appointed on daily wages. He was appointed on work charge basis as Supervisor Horticulture on 09.11.1995 (Annexure P-4). Respondent No.2 was appointed as Horticulture Supervisor on 10.12.1992. Respondent No.2 was promoted as Project Junior Engineer on 30.09.1998 (Annexure P-8) while petitioner was promoted as Project Junior Engineer on 28.01.1999 (Annexure P-10). The services of only one petitioner were regularized as Junior Engineer on 29.11.2002 (Annexure P-16) while the services of the petitioner were regularized w.e.f. 26.06.2013. The objections were invited to the tentative seniority list issued in the year 2002 and after consideration of the objections of the petitioner and other effected persons, the seniority list was finalized on 16.05.2007 wherein the petitioner is at serial No.9 while respondent No.2 is at serial No.8. It is also submitted that the petitioner did not challenge the order of the initial appointment of respondent No.2 on work charge basis as well as his promotion as Project Junior Engineer.

Heard.

It is apparent that although the petitioner had been initially appointed on daily wages as Head Mali prior to respondent No.2 but respondent No.2 had been appointed on work charge establishment as Supervisor Horticulture on 10.12.1992 while the petitioner was appointed as Supervisor Horticulture on 09.11.1995. The petitioner did not challenge the appointment of respondent No.2 as Supervisor Horticulture at that stage.

Thereafter, respondent No.2 was promoted as Project Junior Engineer Horticulture on 30.09.1998 while the petitioner was promoted as

Project Junior Engineer on 28.01.1999. The seniority had been subsequently finalised after taking into account the objections of the petitioner. As respondent No.2 had been appointed on work charge establishment before the petitioner and he had been promoted as Project Junior Engineer before the petitioner he has been rightly ranked as senior to the petitioner.

Consequently, I do not find any infirmity in the impugned orders ranking respondent No.2 higher than the petitioner.

The petition stands dismissed.

16.05.2022
SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No