

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

**CWP No.16544 of 2022 (O&M)
Date of Decision: 08.09.2022**

Khushpreet Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Kanwaljeet Singh, Advocate for the petitioners.

MAHABIR SINGH SINDHU, J.

Present writ petition has been filed for quashing of the impugned order dated 24.03.2022 (P-4 & P-5), whereby combined seniority list has been finalized for the posts of Clerks/Steno-Typists, working in the Field Cadre of Rural Development & Panchayat Department, Punjab. Further challenge is to the response dated 01.07.2022 (P-8), whereby claim raised on behalf of petitioners vide their Legal Notice dated 23.05.2022 (P-6) is declined. Also prayed that respondents be mandated to issue separate seniority list for the aforesaid posts.

(2) It is contended by learned Counsel for the petitioner that in view of the provisions of Rule 14 A of the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994, impugned seniority list is not legally sustainable.

(3) Heard learned Counsel for the petitioner and perused the paper-book.

(4) There cannot be any quarrel that fixation of seniority as well as interference with the same by judicial process shall impact the service career of a government employee, resulting into civil consequences.

(5) It is quite elementary that no order of civil consequences is to be passed without affording an opportunity of hearing to a person, who would be affected by such an action. In other words, no one should be condemned unheard (*Audi alteram partem*).

(6) In the present case, there are 224 members of service (Clerks/Steno-Typists), whose seniority list has been finalized by the competent authority while passing the impugned order dated 24.03.2022. Concededly, none of them, who is/are likely to be affected, has/have been impleaded as party respondent(s).

(7) At the time of hearing, learned Counsel for the petitioner was repeatedly confronted with the above factual position; but he did not realize; rather strenuously pressed that impugned seniority list is not legally sustainable.

(8) As discussed above, none of the person(s), who is/are likely to be affected in the present case, has/have been impleaded as party respondent(s), therefore, only on this sole ground, present writ petition is liable to be dismissed.

Ordered accordingly.

(9) However, it is clarified that dismissal of the present writ petition would not be treated as a bar if the petitioners take recourse to the remedy under law after impleading the person(s) likely to be affected as party respondent(s).

September 8th, 2022

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes