

[276] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

[1] CWP-18198-1996 (O&M)
Date of Decision :23.11.2023

Gurdev Singh ...Petitioner
versus

The State of Punjab and othersRespondents

[2] CWP-10058-1997 (O&M)

Charan Singh and others ...Petitioners
versus

The State of Punjab and othersRespondents

Coram : **HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**

Present : None for the petitioner.
Mr. Charanpreet Singh, AAG, Punjab.

SANJEEV PRAKASH SHARMA, J. (ORAL)

[1] None appears on behalf of the petitioner.

[2] This writ petition is pending since 1996 and therefore it has been taken up. Facts of the case(s) are being taken from CWP-18198-1996.

[3] The petitioner challenges the order of reversion dated 20.03.1996 whereby he was reverted from the post of Joint Director to that of Deputy Director with prayer to grant all consequential benefits and also challenges the order whereby his representation was rejected vide order dated 08.05.1996. Further he also challenges the promotion granted to respondent No.3 on the post of Joint Director (Local Audit) vide order dated 29.10.1996.

[4] Brief facts which are relevant for the purpose of disposal of the writ petition are that the petitioner was appointed as a Senior Auditor and was further promoted as Resident Audit Officer on 07.10.1980.

[5] Although, he is from reserve category. It is taken that he never availed of reservation at the time of his promotion as he along with one Tilak Raj Puri were the only persons available in the department for promotion. The petitioner was further promoted as Assistant Examiner re-designated as now Deputy Director (Local Audit) vide order dated 14.08.1985 on reserved roster point. The petitioner was placed at serial No.3 in the tentative seniority list of the Deputy Director/Deputy Controller (Local Audit). On retirement of the officer placed at serial No.2, who had been promoted as Joint Director namely one Harbant Singh, the petitioner's case for promotion was considered and he was promoted to the post of Joint Director against the available post. He was reverted from the said post by the impugned order on the basis that he had acquired accelerated promotion on the lower post of Deputy Director vide order dated 20.03.1996. The petitioner submitted a representation which too have been rejected. Learned counsel submits that the reversion was wrongful as he was the senior most person available in the cadre of Deputy Directors for promotion to the post of Joint Director.

[6] This Court finds that the petitioner was not granted any relief during the pendency of this writ petition and he has already been superannuated. The issue relating to accelerated promotion was examined by this Court in 'Ajit Singh Janjua versus State of Punjab',

granted accelerated promotion on the basis of reservation, would become junior to the open category candidate, once the open category candidate also get promotion on the higher post to which the reserved category person has been promoted thus the inter se seniority of the general candidate category after having been promoted, shall continue of the seniority as it was existing on the lower post. The respondents have reverted the petitioner and promoted the respondent against an unreserved post. In the circumstances, the action of the respondents cannot be said to be erroneous or unjustified.

[7] The petitioner himself has stated that the post of Deputy Director on which he had been promoted was against an unreserved post. The claim of the petitioner of his being higher in the seniority has been examined and it has been found that the seniority granted to the petitioner was erroneous, as there is only one post, one has to give way to the other as per inter se seniority. The judgment ‘Ajit Singh Janjua versus State of Punjab’, 1996(2) SCC 715 will apply to the present case. Having applied the said ratio, no interference is warranted. The writ petition is devoid of merits and is accordingly *dismissed*.

[8] All pending CM(s) stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

23.11.2023
'Rajneesh'

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