

202 (3 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-8922-1991 (O&M)
Date of Decision:18.12.2023

RAJ KUMAR KALIA AND ANOTHERPetitioners
V/s.
STATE OF PUNJAB AND OTHERSRespondents

CWP-13991-1994 (O&M)

YADAV RAI AND ANOTHERPetitioners
V/s.
STATE OF PUNJAB AND OTHERSRespondents

CWP-14415-1993 (O&M)

KISHAN SINGH AND OTHERSPetitioners
V/s.
STATE OF PUNJAB AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Ms. Divyajyot Mann, Advocate for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

Mr. Amritpal Singh Sandhu, Advocate for
Mr. Rajbir Singh, Advocate for respondents No.2 to 4.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. This order shall dispose of connected three Writ Petitions as the issue involved in all the Petitions is common. However, for the sake of convenience the facts are being extracted from CWP-8922-1991.
2. Although learned counsel appearing on behalf of the petitioners prays for an adjournment but taking into consideration the fact that these cases have been pending for almost 30 years, prayer for an adjournment is rejected.

3. As learned counsel appearing on behalf of the petitioners is not ready to argue, these cases are examined on the basis of the pleadings as submitted by the petitioners.

4. The petitioners by way this Writ Petition bearing No. CWP-8922-1991 have prayed for issuance of a Writ of *mandamus* for directing the respondents to prepare a joint seniority list of cadre of Assistants, Accountants, Information Centre Assistants and to confirm the petitioners as Assistants and promote them as Superintendent Grade-II from the date respondents No.3 to 5, junior to the petitioners, were confirmed and promoted as Superintendent Grade-II and also grant such other benefits as granted to respondents No.3 and 5.

5. The petitioners also pray to set aside the promotions granted to respondents No.3 to 5 and the orders dated 19.04.1989, 18.04.1991 and 26.04.1991 and the order by which they were confirmed on the post of Assistants.

6. The petitioner No.1 was initially appointed as Clerk in the Department of Public Relation, Punjab and was promoted as an Accountant on 13.12.1967 and he was working as Senior Assistant (Accounts) when he preferred the Writ Petition. Petitioner No.2 was promoted as Information Centre Assistant w.e.f. 09.01.1968 and was working as Senior Assistant Information Centre.

7. It is stated that there is a joint seniority list of Clerks and in the said seniority list, the respondents No.3 to 5 were shown junior to the petitioners. as per Rule 9 (f) of the Punjab Public Relations Department

(Class III Non Gazetted Service) Rules, 1958 (hereinafter referred to “the Rules of 1958”) promotion is made From the post of Clerk to the post of Assistant by selection from amongst the Clerks and Superintendents or by deputation or direct recruitment. The post of Accountant and Information Centre Assistant are not the posts included under the Rules of 1958 as they were created after framing of the Rules. However, a decision was taken to equate the post of Accountants, now designated as Senior Assistant Accounts as Information Centre Assistants now designated as Senior Assistant Information Centre vide order dated 11.01.1971.

8. It is stated that the petitioner was promoted prior to respondents No.3 to 5 based on their seniority position as a Clerk. It is further submitted that a joint seniority list of Assistants, Accountants and Information Centre Assistants was being maintained upto the year 1983, whereafter, no such *inter se* seniority list is being prepared by the respondents.

9. The petitioners had submitted that those Assistants who were working in the Head Office, were granted the grade of pay of A Class, while others were not granted the said grade of pay which resulted in litigation before this Court in CWP-2631-1979 and CWP-2129-1979 and this Court directed to grant pay scale of A Grade Assistants to the petitioners on the basis of their joint seniority in the cadre of Clerks. Further next line of promotion available is that of the post of Superintendent, but without forming of any common seniority list, the respondents are making promotions on the post of Superintendents.

10. It is stated that several representations were made, but the common *inter se* seniority was not prepared. It is further submitted that the petitioners have good service record to their credit and in the lower cadre, they were senior to the respondents No.3 to 5, but they were promoted as Superintendent Grade-II while the petitioners were left out.

11. It has been mentioned in the status reports filed by the respondents-State that in CWP-8922-1991 petitioner No.1-Raj Kumar Kalia expired about 20 years back and petitioner No.2-S.K. Sayal also expired on 23.09.2018. In CWP-13991-1994, petitioner No.1-Yadav Rai also expired. In CWP-14415-1993, petitioner No.2-Anup Singh and petitioner No.3-Harchand Singh also expired during the pendency of the Writ Petition.

12. No one has put in appearance on behalf of the petitioners in these Writ Petitions who are alive.

13. The issue has become completely academic now. The claim of the petitioners with respect to the respondents' promotion is, thus, found to be having become otiose and redundant. Even the LRs of the petitioner who have expired, have not come forward for claiming the benefit. This Court, while leaving the question open, dismisses these Writ Petitions as having become otiose.

14. All the pending applications in this Writ Petition stand disposed of accordingly.

December 18, 2023
Ess Kay

[SANJEEV PRAKASH SHARMA]
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>