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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-428-1997

Date of Decision: 03.10.2023

Hukam Singh and others

..Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA.

Present None for the petitioners.

Mr. D.K. Singal, Addl. AG, Punjab.

Mr. Vikas Singh, Advocate
for respondent Nos.7 to 19, 21 and 41.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. No one appears on behalf of the petitioners. Heard, learned State counsel as well as counsel appearing on behalf of private respondents.

2. The petitioners by way of this petition assails the joint seniority list circulated by the respondents on 25.06.1996 (Annexure P/6), whereby a joint seniority list of conductors, Adda Conductors as well as Booking Clerks, was published.

3. The petitioners challenged the said joint seniority list stating that the Booking Clerks have been left out from promotion as they have been placed below the Adda Conductors and Conductors. The petitioners have submitted that the Booking Clerks have a separate and independent cadre under the rules and Conductors and Adda Conductors have a separate cadre, therefore, a joint seniority list by clubbing the posts ought not to have been published by the respondents, more so, as the post is a promotion post.

The petitioners have further submitted that on account of placing the Booking Clerks at par with Conductors and Adda Conductors, the rights of the Booking Clerks have been taken away. A reference has also been made to Rule 9 (h), of the Rules, which reflects that the Booking Clerks are in a cadre, where a channel of promotion is provided, from Conductors and preferably Adda Conductors. In view of the said rule, the petitioners have ascertained that since the Conductors and Adda Conductors would be promoted to the post of Booking Clerks, *inter se* seniority of Booking Clerks, Conductors and Adda Conductors cannot be common.

4. Per contra, learned counsel appearing for the State submits that pay scales of Booking Clerks as per 2nd Pay Commission was Rs.400-600 and pay scale of Conductors and Adda Conductors was also Rs.400-600. The selection grade was further granted to 20% of the total strength in the pay scale of Rs.450-700. As per the 3rd Pay Commission, the pay scale of Booking Clerks, Conductors and Adda Conductors have been kept at par @ Rs.950-1800. In addition to 50%, senior scale of Rs.1200-2100 was also allowed to all three posts. It is further submitted that the purpose of granting senior scale to 50% of the employment, a joint seniority list of Booking Clerks, Conductors and Adda Conductors was published in March, 1991 and the petitioners have also received the benefit of senior scale accordingly. It is further submitted that the Booking Clerks were posted from amongst the Conductors on the basis of their options and 478 posts of Adda Conductors and Booking Clerks, were to be re-designated as Sub Inspectors and placed in the pay scale of Rs.1350-2400, vide decision dated

24.05.1991. Thus, the joint seniority list which has been prepared now is in continuation of the earlier seniority list which was prepared in the year 1991 and the said earlier seniority list also included the Sub Inspectors, Booking Clerks, Adda Conductors and Conductors. Therefore, no fault lies in clubbing the different posts which carry the same pay scale. It is also submitted that seniority list has been prepared by following the same principle for all. Learned counsel for the private respondents has also submitted similar arguments. It is stated that there is no quota fixed for Booking Clerks, Adda Conductors and Conductors and all of them form one class for promotion to the post of Inspector and there is no rotation provided. It is further stated that continuous service has been made the basis for determining seniority which is in consonance with the principle of parity under Articles 14 and 16 of the Constitution of India.

5. The promotions have been granted on seniority-cum-merit. Learned counsel also informs that all the respondents have retired from service, even the petitioners have attained superannuation and the issue has become purely academic. It is also informed that the selection scale has also been granted to the petitioners in terms of their seniority position and as per the rules.

6. I have considered the submissions.

7. Taking into consideration the fact that all the petitioners have attained superannuation and the respondents have also retired and no one has come forward to argue this case, which is pending since 1997, therefore, no useful purpose would be served by disturbing the seniority list

which stood finalized in the year 1996 and now the issue has become purely academic.

8. Leaving it open for future, the writ petition is disposed of as having become otiose.

9. All pending misc. application(s) also stand disposed of.

03.10.2023

rajesh

[SANJEEV PRAKASH SHARMA]
JUDGE

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