

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

CWP-7098-1999

Date of Decision :14.12.2023

Sant Singh

...Petitioner

versus

State of Punjab and others

....Respondents

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

Present : Mr. R.S. Bains, Senior Advocate assisted by
Mr. Amar Jeet, Advocate
for the petitioner.

Mr. R.K. Kapoor, Addl. AG, Punjab.

SANJEEV PRAKASH SHARMA, J. (ORAL)

[1] The petitioner by way of the present writ petition challenged the decision of the respondents in reviving their seniority based on the judgment passed by this Court where the issue involved was the *inter se* seniority between promotees and direct recruits.

[2] Learned counsel for the petitioner submits that while deciding the said case in LPA, the Court was not deciding the question regarding *inter se* seniority between direct recruits. The said aspect was further clarified in the subsequent judgment passed by this Court in CWP No.10456 of 1999 and it was held that so far as *inter se* seniority of direct recruits is concerned, the same shall not be based on continuous length of service but would be based on the date of passing a departmental examination. It was also noted that without adverting this crucial aspect of the matter and without applying mind on the factual matrix of their passing departmental examination or completing the training, the Legal

fixed according to their length of service and without examining the issues on correct perspective, respondent re-fixed the petitioner's seniority below respondent Nos.3 to 10.

[3] Learned counsel submits that in view of the judgment passed in CWP No.10456 of 1999 dated 18.12.2000, the petitioner's seniority which was originally fixed by order dated 05.02.1997 (Annexure P-1) should be restored. It is also submitted that the petitioner on the basis of the said seniority has also been given promotion but his consequential benefits on promotion have not been released and retiral benefits have also not been fixed accordingly.

[4] Learned counsel for the State submits that so far as the question regarding seniority is concerned, it has become wholly academic as the petitioner stands already retired. However, the petitioner's retiral benefits in terms of the promotion awarded to him shall be released and the issue was pending only because of the pendency of the petition.

[5] Having noticed the aforesaid aspect, this Court finds that the petitioner's seniority as originally determined vide Annexure P-1 dated 05.02.1997 was not required to be interfered. He was also granted promotion accordingly, which also is not required to be disturbed. He therefore would be entitled to the consequences in terms of his promotion order. His retiral benefits would also be required to be calculated and released accordingly. The exercise may now be done within a period of 03 months, if not already done.

[6] Writ petition stands *disposed of*.

[7] The petitioner admittedly had already passed the examination before even being selected and he therefore would remain on the placement already granted to him as per Annexure P-1.

[8] The order passed on Exhibit P-8 would therefore be not acted upon.

(SANJEEV PRAKASH SHARMA)
JUDGE

14.12.2023
'Rajneesh'

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