

CWP-11407-2023

-1-

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

116

CWP-11407-2023

Date of Decision: 01.12.2023

Darshan Singh

...Petitioner

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Aman Bansal, Advocate for the petitioner

Mr. Inderpreet Singh Kang, AAG, Punjab

JAGMOHAN BANSAL, J. (Oral)

1. On 02.09.2023, the following order was passed:-

“The petitioner assails order dated 27.2.2023 (Annexure P-5) passed by respondent No.1 wherein his representation so as to consider his case for promotion from the date his juniors were promoted has been rejected. Learned counsel for the petitioner assails the said order mainly on the ground that the same is non-speaking order.

This Court however, finds that pursuant to an order dated 16.12.2014 passed in CWP No.4829-2011, the seniority of all the Inspectors was recast and seniority list dated 22.1.2018 (Annexure P-2) came to be drawn. As per said order dated 16.12.2014, the respondents were to give wide publicity to the exercise of framing of seniority so as to invite objections.

Learned State counsel who is present in the Court, pursuant to advance notice to furnish information as to whether any objection had been submitted by the petitioner at the time of recast of seniority and as to whether the same had been dealt with or not.

List again on 13.9.2023.”

2. In compliance of order dated 02.09.2023 of this Court, short reply by way of affidavit dated 30.11.2023 of Gaurav Toora, IPS, AIG Personnel-II, Punjab, Chandigarh on behalf of respondent Nos.1 to 3 has been filed. The same is taken on record. Registry is directed to tag the same at an appropriate place.

3. In reply to specific query raised by this Court, the respondents in paragraph No.4 of the affidavit has pointed out that petitioner did not raise objection qua seniority list which was finalized vide order dated 22.01.2018. Paragraph 4 of the affidavit reads as:

“4. That, it is respectfully submitted that a tentative seniority of Inspectors was issued on 05.01.2018 and the objections were called from the concerned units/ranges and from the personnel/employees. It is further submitted that as per record of respondent No.2, Retired Inspector Darshan Singh, No.1080/LDH, 552/PR had not given any objection/representation about the seniority at the time of the recasting of the seniority. After examining the objections, received from the concerned personnel/employees, the speaking order has been passed vide No.1086-1185/E-1(1), dated 22.01.2018. Thereafter, joint seniority of Inspectors (District and Armed Cadre) upto 20.02.2018, was issued vide office order No.1187-1286/E-1(1) dated 22.01.2018. Therefore, no cause of action has accrued to the petitioner to file the present Civil Writ Petition.”

4. Learned counsel for the petitioner submits that he has no grouse qua seniority list. He has no objection with respect to position of juniors shown in the seniority list. He is merely claiming that he be granted benefit as

per his seniority.

5. Faced with this, learned State counsel assures the Court that competent authority would re-look into the matter and pass an appropriate order within three months from today after granting opportunity of hearing to the petitioner.
6. Learned counsel for the petitioner agrees to the aforesaid arrangement.
7. In the wake of statements made by both sides, the present petition stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

01.12.2023
Mohit Kumar

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