

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

2023:PHHC:151414
CWP-15372-2023 (O&M)
Date of Decision: 29.11.2023.

Gurpreet Singh and another Vs. ...Petitioners

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. D.S. Patwalia, Sr. Advocate with
Mr. R.K. Arora, Advocate,
Ms. Sehar Navjeet Singh Sandhu, Advocate for the petitioners.

Mr. Charanpreet Singh, AAG, Punjab.

Mr. Gagneshwar Walia, Advocate
for respondent Nos.4, 5, 6, 7 and 10.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioners by way of this writ petition have challenged the order dated 17.03.2023, whereby the seniority list of Soil Conservation Officers was recasted and the objections raised against the tentative seniority list published by the respondents were rejected.

2. Learned counsel for the petitioners submits that while rejecting the representation, the State government did not refer to the objections as raised by the petitioners nor it answered to the said objections.

3. On the other hand, learned State counsel has referred to the observations made by the Hon'ble Single Judge in CWP-16005-2015 and CWP-1355-2016 filed by the petitioners challenging the tentative seniority list dated 23.07.2015. It is informed that after finalization of the impugned seniority list, the Hon'ble Division Bench passed an order in LPA-237-2023,

on 30.05.2023, setting aside the observations made by the Hon'ble Single Judge in relation to the validity of the seniority.

4. Learned Sr. Counsel for the petitioners submits that the State Government was required to examine and decide the objections raised by the petitioners and action of relying on observations made by the Hon'ble Single Judge have to be ignored, the matter should be remanded back to the State Government for re-examining the objections raised by the petitioners, by passing a speaking order.

5. Learned counsel appearing on behalf of the respondents submits that the final seniority list has been rightly drawn. Learned State counsel further submits that the observations made by the Hon'ble Single Judge were followed as there was no direction of the Hon'ble Division Bench upto the date when the final seniority list was published.

6. I have considered the submissions and find that the Hon'ble Division Bench has passed the following order:-

“4. Grievance of the petitioners-appellants is that while passing the impugned order, the learned Single Judge has observed that the seniority list has rightly been revised as the earlier seniority list was prepared by the competent authority without having the requisite information about their respective merit position as assigned by the Board. Learned counsel for the appellants states that this observation will adversely affect the appellants.

5. After going through the impugned order, it is being observed that neither the original merit list was ever produced by the respondent-State before the learned Single Judge nor it was referred to in the impugned order. Therefore, the observations made by the learned Single Judge qua the validity of the seniority list are deleted.”

7. A look on the order passed on 17.03.2023, reveals that the State Government has issued the seniority list complying with the orders passed by this Court on 20.01.2023. Observations of the Hon'ble Single Judge since have been deleted, the order of the Hon'ble Single Judge has lost its sanctity for the purpose of finalizing the seniority list, therefore, the objections raised by the petitioners and other individuals were required to be examined and a speaking order was required to be passed.

8. Keeping in view thereof, the seniority list as published vide order dated 17.03.2023, is set aside with a direction to the Principal Secretary/respondent to finalize the seniority list afresh within a period of two months henceforth after giving opportunity of hearing to the respective parties. Observations made by the Court earlier will have no bearing to the decision to be taken by the Principal Secretary/respondent and an independent decision shall be taken in the matter by passing a speaking order. Any of the respective parties who may be aggrieved, would be free to approach the appropriate forum for redressal of his/her grievance. The State Government shall issue a notice to all the respective parties informing about the filing of fresh objections.

9. The writ petition is allowed accordingly.

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

(SANJEEV PRAKASH SHARMA)
JUDGE

29.11.2023.

rajesh

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No