

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

**CWP-19529 of 2022 (O&M)
Date of decision: 16.01.2023**

Bikram Singh and another

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kewal Krishan, Advocate, for
Mr. R.D.Rattewal, Advocate,
for the petitioners.

Mr. Maninder Singh, DAG, Punjab.

ANIL KSHETARPAL, J(Oral)

1. The petitioners pray for the issuance of a writ in the nature of mandamus to direct the respondents to fix their seniority in SC(M&B) category in the seniority list of the Senior Laboratory Attendants.
2. It is well settled that while preparing the seniority list of particular cadre of employees, the rule of reservation is not required to be applied
3. Pursuant to the directions issued in Civil Writ Petition No.7571 of 2022 (Bikram Singh and another vs. State of Punjab and others), a speaking order has been passed by the Director Public Instructions (Secondary), Punjab, on 25.05.2022 which has been noticed as under:-

“As far as claim of the petitioners for staying the order dated 05.01.2022 and promotion to the post of Senior Laboratory Attendant (SLA) or Library Restorer is concerned, it is clarified that in promotion order dated 05.01.2022, the last candidate belonging to the SC category who has been promoted as SLA is having seniority number 911. Seniority number of the petitioner Bikram Singh is 947 and the seniority number of the petitioner Shiv Lal is 939. Hence, both the petitioners

did not fall within the consideration zone when the promotions to the post of SLA for which orders for the same were issued vide order dated 05.01.2022. It is also clarified that no junior employee than that of the petitioners has been promoted vide order dated 05.01.2022.

Keeping in view the position explained above, claim of the petitioners for assigning them seniority number in the seniority list of Class-IV employees has already been redressed and the claim of the petitioners for promotion to the post of SLA from 05.01.2022 is hereby rejected as both the petitioners did not fall within the consideration zone as on 05.01.2022.”

4. The learned counsel representing the petitioners admits that one of the petitioner has already been promoted. It is evident that both the petitioners rank lower in the seniority list than the last candidate promoted as a Senior Laboratory Attendant belonging to SC category.

5. In view of the aforesaid, no ground to issue the writ as prayed for, is made out.

6. Dismissed.

7. All the pending miscellaneous applications, if any, are also disposed of.

January 16, 2023
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(ANIL KSHETARPAL)
JUDGE

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