

147

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-25398-2023 (O&M)
Date of Decision: 09.11.2023

Sukhminder Singh and another
Vs.
State of Punjab and another

. . . . Petitioners
. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Atul Arya, Advocate, for the petitioners.

Mr. Paramjit Batta, Addl. A.G., Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioners admittedly have not joined the post and their representations for allowing them to join the post were rejected by the Director Public Instructions, Punjab on 05.08.2011.
2. It seems that in the seniority list of Masters/Mistress cadre on 19.06.2019, the petitioners' names are reflected as having joined the services on 01.04.2011, although the petitioners have never joined. It is on the said basis that the petitioners have preferred this writ petition stating that the petitioners were not served with the joining letter, although the petitioners were appointed.
3. The seniority list also reflects about certain other persons lower in merit to have joined, although the order passed by the Director (supra) specifically mentions that no person lesser in merit to the petitioners has been offered appointment.

4. While no relief can be granted to the petitioners merely because of their names in the seniority list, the State Government is directed to conduct an enquiry as to how the names are being reflected in the seniority list of persons who have never joined services.
5. Action be also taken against the concerned delinquents who have wrongfully and deliberately, with an intention to give benefit to persons like the petitioners, have entered their names in the seniority list, and have also made available the said seniority list to persons who are not in employment, in order to take up a case before this Court.
6. ***Dismissed*** with aforesaid directions.
7. It is made clear that in terms of the order passed by the Director (supra), no right is created in favour of the petitioners for appointment, nor they have any right on the basis of the seniority list or any orders passed by some officer of the State Government subsequently.
8. The enquiry as directed above should be conducted, and report should be placed before this Court within period of four months henceforth.

(SANJEEV PRAKASH SHARMA)
JUDGE

November 09, 2023

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| 1. <i>Whether speaking/reasoned?</i> | <i>Yes/No</i> |
| 2. <i>Whether reportable?</i> | <i>Yes/No</i> |