

201

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1)

CWP-16509-1998 (O&M)
2024:PHHC:014594

ROOPA SINGH & ORS

...Petitioners

V/S

STATE OF PUNJAB & ORS

...Respondents

(2)

CWP-18706-1998 (O&M)
2024:PHHC:014596

KULWANT SINGH & ORS

...Petitioners

V/S

STATE OF PUNJAB & ORS

...Respondents

(3)

CWP-16663-1998 (O&M)
2024:PHHC:014597

AJMER SINGH

...Petitioner

V/S

STATE OF PUNJAB & ORS

...Respondents

Date of Decision: 02.02.2024

CORAM: HON’BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present

Mr. Gurnoor Singh Sethi, Advocate for the petitioner(s).

Mr. Charanpreet Singh, AAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1.

These writ petitions are dealt with together as common question of law and facts is involved in the same. However, the facts of the case are being extracted from CWP-16509-1998.

2.

Learned counsel submits that although the cases belong to his office but he has not received separate vakalatnama till date.

3. This Court finds that the petitioners had been promoted while persons senior to them were ignored. The concerned persons filed writ petition before this Court bearing No.5350-1997 and vide order dated 05.05.1998, the Court disposed of their writ petition with direction to consider their case for promotion and if they were found suitable for promotion, they would be granted promotion w.e.f. the date their juniors were promoted with all consequential benefits. It was also observed that if any adverse order is passed against the private respondents, they would be at liberty to challenge the said order before appropriate forum and in this manner the present petitioners who were private respondents in the said case, approached this Court upon show cause notice being issued to them for reversion in view of promotion of their seniors who had been ignored earlier while promoting the petitioners.

4. The petitioners apparently were not heard when the aforesaid order was passed in writ petition No.5350-1997 and they have come up before this Court to point out that they were appointed initially in the year 1982 on *ad hoc* basis and thereafter again were selected in the year 1985 on regular basis and joined their services on 21.01.1985, whereafter, the respondents who were earlier writ petitioners joined the services. The respondents were given seniority over the petitioners by counting their *ad hoc* services which could not have been done.

5. No one appears on behalf of the private respondents.

6. It is settled law that *ad hoc* service cannot be counted for the purposes of seniority in cases relating to direct recruitment where a person gets his seniority only on the basis of his inter se merit in the regular

selection. In other words, a person who is lower in merit in a select list, may have to his credit earlier ad hoc service but claim seniority on the said post over and above a person who is higher in merit in the said select list.

7. Having noticed above, this Court finds that while the respondents may have been promoted, they cannot claim seniority nor could they claim any benefit over and above the petitioners. There was no occasion for the respondents to have taken decision to revert the petitioners. The interim order passed by the Court dated 27.10.1998 is accordingly made absolute. The writ petitions are allowed.

8. No costs.

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

(SANJEEV PRAKASH SHARMA)
JUDGE

02.02.2024
rajesh

1. Whether speaking/reasoned?

:

Yes/No
2. Whether reportable?

:

Yes/No