



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104) CM-18806-CWP-2024 in/and
CWP-15355-2012 (O&M)
Date of Decision : 27.11.2024

Gurdev Singh Gill and others
...Petitioners

Versus

State of Punjab and another
...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Kapil Kakkar, Advocate for the petitioners.
Mr. Swapan Shorey, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

CM-18806-CWP-2024

Present application has been filed for fixing the main writ
petition to an early actual date of hearing.

Notice of the application to counsel for the respondents.

On the asking of the Court, Mr. Swapan Shorey, Deputy
Advocate General, Punjab, who is present in Court, accepts notice on behalf
of the respondent-State and raises no objection for the grant of prayer as
made in the present application.

Keeping in view the averments made in the application, which
are duly supported by an affidavit, the application is allowed and on the joint
request of learned counsel for the parties, the main petition is taken up for
hearing today.



CWP-15355-2012

1. In the present petition, the grievance being raised by the petitioners is that the date of promotion of the petitioners has been changed by the impugned order dated 10.07.2012 (Annexure P-9), hence, the petitioners be given all the benefits by ignoring the said order, from the initial date of promotions in the Cadre of Head Master.

2. Learned counsel for the petitioners submits that the petitioners were initially promoted as Head Masters in December, 1996. The petitioner, Surinder Singh was promoted as such on 04.01.1997. Learned counsel submits that the date of promotion of all the petitioners has been changed to 18.10.2005 thereby causing prejudice to them as certain benefits have been withdrawn.

3. Upon notice of motion, the respondents have filed the reply, wherein, the respondents have stated that the petitioners were promoted in the year 1996 on the basis of the provisional seniority list in the Cadre of Master/Mistress, which was yet to be finalized and ultimately keeping in view the merit list provided by the Punjab Service Commission with regard to the appointment to the post of Master/Mistress, the seniority in the said Cadre was fixed in the year 2007 keeping in view the merit obtained by the candidates in the direct recruitment and in the seniority, the petitioners have gone down, hence, in order to give promotion to the seniors, the date of promotion of the petitioners as Head Masters has been changed, which is perfectly valid and legal.



4. Learned counsel for the petitioners argues that the seniority list on the basis of which the date of promotion has been changed is under challenge before this Court.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. In the impugned order dated 10.07.2012 (Annexure P-9), a reason has been given by the respondents to change the date of promotion of the petitioners to the post of Head Master. Initially, the promotion of the petitioners to the post of Head Master was on the basis of the provisional seniority in the Cadre of Master/Mistress, which has already been finalized in the year 2007 and in the final seniority list, the petitioners were juniors to certain employees who were yet to be promoted. In order to grant the promotion on the basis of the seniority, the date of promotion of the petitioners as Head Master has been changed, hence, no grievance can be made.

7. It is a settled principle of law that promotions are to be made on the basis of the seniority list. In the seniority list, the petitioners are juniors to the employees who were yet to be promoted, hence, while implementing the seniority, the date of promotion of the petitioners as Head Master has been changed, which invites no interference with the said impugned order by this Court. Hence, no ground is made out to interfere with the order dated 10.07.2012 (Annexure P-9).

8. Before parting with the judgment, it is made clear that in case the seniority list of the year 2007, which has been made operational to pass



the impugned order is either set-aside or modified by Competent Court of Law, in case the petitioners get entitled for any relief for retrospective promotion as Head Master, the petitioners can agitate the same by filing a representation with the respondents, which representation will be considered by the department and appropriate order will be passed within a period of eight weeks of the receipt of any such claim.

- 9. Petition is dismissed with above observations.
- 10. Pending miscellaneous application, if any, also stands disposed of.

November 27, 2024 (HARSIMRAN SINGH SETHI)
kanchan JUDGE

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