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

**(204) CWP-19302-2012 (O&M)
Date of Decision : November 19, 2024**

S. Gurinder Pal Singh Sahota and others .. Petitioners

Versus

State of Punjab and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. A.S. Talwar, Advocate and
Mr. H.P.S. Sandhu, Advocate, for the petitioners.

Mr. T.P.S. Chawla, Sr. Deputy Advocate General, Punjab.

Mr. R.D. Bawa, Advocate, with
Mr. Rishabh Rana, Advocate and
Mr. Samuel Gill, Advocate, for respondent No.3.

Mr. Ishaan Bhardwaj, Advocate, for respondent No.4.

Mr. Kunal Mulwani, Advocate, with
Mr. Ritvik Garg, Advocate, for respondent No.5.

Mr. Ashwani Prashar, Advocate, for respondent No.9
(joined through VC).

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the seniority of the private respondents, who were appointed on compassionate ground against the vacancies in Class-I of the Punjab Civil Service (Executive Branch).

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2. It may be noticed that the appointments of these private respondents was challenged in CWP No.6299 of 1995 and the learned Single Judge upheld the contention of the petitioner Naresh Dubey with regard to the appointment of the private respondents but the Division Bench in an appeal, reversed the judgment of the learned Single Judge and upheld the appointment of the private respondents on compassionate ground, which judgment of the Division Bench was assailed before the Hon'ble Supreme Court of India, which issue came to be decided in favour of the private respondents in ***Civil Appeal No.13483-13487 of 2015 titled as Harpinder Pal Singh vs. Shri Rajiv Prashar (PCS) and others, decided on 27.11.2018***, while upholding their appointment.

3. In the present writ petition, the grant of seniority to the same compassionate appointees over and above the petitioners has been challenged. As the issue of appointment of the private respondents was pending consideration before the Hon'ble Supreme Court of India, the present petition was adjourned sine die to await the decision of the said writ petition.

4. The Hon'ble Supreme Court of India upheld the judgment of the Division Bench as well as the appointment of the private respondents on compassionate ground vide judgment dated 27.11.2018, which fact is conceded between the parties.

5. Once, the appointment of the private respondents have been upheld and they have only been granted the benefit of seniority on the basis of the date of their respective appointment, the prayer raised in the present petition that the private respondents be treated junior to the petitioners even

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though, the private respondents were appointed on a much prior date as compared to the petitioners in the Punjab Civil Service (Executive Branch), cannot be accepted.

6. Learned counsel for the petitioners has not been able to point out any fact or any Rule to grant the relief as being claimed in the present petition hence, no ground is made out not to grant the seniority to the private respondents over and above the petitioners especially when private respondents were appointed prior to the petitioners and the said appointment of the private respondents on compassionate ground has already been upheld by the Hon'ble Supreme Court of India.

7. It is also a conceded position between the parties that the seniority of the private respondents have been fixed keeping in view the Rules governing the service by considering the date of appointment of respective employees.

8. Once the seniority has been given to the private respondents on the basis of the Rules governing the service, which fact has gone un-rebutted, no ground is made out for any interference by this Court in the present petition especially when the appointment of the private respondents already stands validated upto the Hon'ble Supreme Court of India.

9. It may be noticed that on the basis of the seniority in the Punjab Civil Service (Executive Branch), which is being challenged, the private respondents have already been promoted to the IAS cadre, which promotions are not even under challenged in the present writ petition and therefore, disturbing the seniority on the asking of the petitioners in the Punjab Civil Service (Executive Branch) and that too without there being



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any valid justification, no relief can be granted to the petitioners.

10. Consequently, the present writ petition is dismissed.

11. Civil miscellaneous application pending if any, also stands disposed of.

November 19, 2024

harsha

**(HARSIMRAN SINGH SETHI)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No