

CWP-10964-2017(O&M)

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
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CWP-10964-2017(O&M)
Date of decision: 11.11.2024

Balbir Chand

....Petitioner

Versus

Union of India & Ors

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Neeraj Sharma, Advocate, for the petitioner.

Mr. Anil Chawla, Sr. Panel Counsel,
for respondent Nos.1 to 4-UOI.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is to quash the order dated 03.08.2016 passed by respondent No.2, whereby representation of the petitioner for assigning the correct seniority over and above respondent Nos.5 and 6 has been rejected.

2. During the course of arguments, learned counsel for the petitioner restricts his claim only qua respondent No.5, who, he submits, was appointed on 30.12.1991, with regard to which, he has filed the representation dated 03.03.2015, Annexure P-7. While dealing with the same, the Deputy Commandant addressed two communications dated 03.06.2015, Annexure P-8 and 26.05.2015, Annexure P-9 to the Deputy Inspector General. A relevant extract of Annexure P-8 reads thus:

“03. Apart from the above, the employee through his application has also claimed that in the seniority list issued vide Memo No.8464-8540 dated 24.04.2014 by the Directorate General on 16.04.2014 of the HC/Pioneer, he should be over and above Serial No.36 because at Serial No.36, the employee mentioned Mohan Singh HC/Pioneer Force No.910210043 was



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appointed as Constable/Pioneer on 09.03.1991, whereas the applicant has appointed as Pioneer on 28.09.1990.

04. The application in original of the aforesaid employee is enclosed herewith and sent to your office.”

3. Similarly, it is apposite to refer to Annexure P-9, relevant part of which reads as below:

“Apart from the above, this also be informed that as per Order No.8464-8540 dated 24.04.2014 of Directorate (copy enclosed), the seniority of employee should be fixed at Sr. No.36 because the candidate i.e. Mohan Singh No.910210043 (Head Constable) shown at Sr. No.36 in the above mentioned seniority list was promoted from the post of Constable/(Prn) to the post of LNK (Pnr) alongwith the applicant and the applicant, but the applicant was appointed in 1990 and Head Constable/PNR was appointed in 1991, therefore the seniority of the applicant/employee should be fixed at Sr. No.36.”

4. Learned counsel for the petitioner submits that though pursuant to the representation, his seniority list was corrected or modified and his name has been placed at Sr. No.78(a), vide order dated 03.02.2015, however without adhering to the aforesaid communications.

5. In view of the above, learned counsel for respondent Nos.1 to 4 on instructions, states that the decision shall be taken by considering Annexures P-8 and P-9, within a period of two months.

6. The aforesaid satisfies the learned counsel for petitioner.

7. Ordered accordingly.

(AMAN CHAUDHARY)
JUDGE

11.11.2024

parveen kumar

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No