

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

229-4

CWP-18085-2018 (O&M)

Date of decision: 07.03.2024

Dr. Pardeep Kumar

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Ms. Alka Chatrath, Advocate and
Ms. Divyajyot Mann, Advocate
for the petitioner.

Mr. Amarpreet Singh Bains, AAG, Punjab.

AMAN CHAUDHARY, J

1. The prayer in the present Civil Writ Petition filed under Article 226/227 of the Constitution of India, is for issuance of a writ in the nature of certiorari for quashing the action of respondent Nos.1 to 4 for not considering the selection and appointment of respondent No.5 under the General Category.

2. Learned counsel for the petitioner submits that though respondent No.5 was higher in merit but still considered in his Backward Class category instead of the General, the petitioner was deprived of his right to appointment. However, in the meantime, the other candidates, who had competed with the petitioner got selected and appointed in the year 2018, whereas, the petitioner during pendency of this petition, was finally appointed on 12.02.2020. Thereby, the only prayer that now subsists is of granting him the consequential benefits of seniority and pay fixation, from the date of the other candidates were appointed, for which reliance is placed on the judgment dated 15.12.2017, CWP-12618-2014, Parminder Singh and others vs. State of Punjab and others (Annexure P11), CWP-13384-2011 dated 06.08.2012, Garima Jindal vs. Haryana

Vidyut Parsaran Nigam Ltd. and another (Annexure P14), which was taken up in LPA and even in SLP by the State, which were both dismissed and, CWP-18098-2012, dated 24.05.2016, Sarv Mitter vs. State of Punjab and another, and LPA-1296-2023 titled as Rekha Sharma vs. State of Punjab and others, decided on 21.02.2024. Prays that this matter being covered by the aforesaid decisions, may be disposed of in terms thereof.

3. Learned State counsel is unable to rebut the factual position in this matter and cite any contrary law.

4. In view of the aforesaid, the present petition is disposed of in terms of the judgments referred to above and the petitioner is held entitled to notional benefit of pay fixation and seniority from the date of appointment of batch appointed in the year 2018, however, shall not be entitled to any pay and allowances for the intervening period.

07.03.2024
ashok

(AMAN CHAUDHARY)
JUDGE

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