



CWP-27192-2015 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-27192-2015 (O&M)
Date of Decision :02.08.2024

Rupinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.K. Arora, Advocate for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

In the present petition, grievance being raised by the petitioner is that the petitioner and respondent No.4 were selected by the same selection process by way of direct recruitment and as the petitioner joined prior to the respondent No.4, keeping in view Clause-12 of the appointment order, the petitioner is entitled for seniority over and above the respondent No.4.

Upon notice of motion, the respondents have filed reply wherein, they have stated that once, the petitioner as well as respondent No.4 have been appointed on the basis of same selection process, merit between the two will prevail for fixing the seniority and once, both the employee joined within the time frame granted, respondent No.4 is to be treated senior based on merit.

Learned counsel for the respondent-State further submits that in



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case, there is any ambiguity in the Punjab Medical Department Subordinate (Recruitment and Conditions of Service) Rules, 1945, Punjab Civil Services (General and Common Conditions of Service) Rules, 1994 will be applicable, according to which, merit of the employees gained in the direct recruitment is to prevail.

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

The argument of the learned counsel for the petitioner is only based on Clause-12 of the appointment order, according to which, seniority is to be given from the date of joining.

It may be noticed that post in question is governed by 1945 Rules and in case, there is any ambiguity as to how the seniority of the direct recruits are to be fixed, the respondents are well within their jurisdiction to remove the said ambiguity by bringing into operation Punjab Civil Services (General and Common Conditions of Service) Rules, 1994 and in case, of direct recruitment, merit of the candidate is to be treated as the seniority criteria. Hence, keeping in view the fact that the petitioner as well as respondent No.4 joined within the time frame, respondent No.4 is to be granted seniority over and above the petitioner.

Not only this, the petitioner was selected in the year 1991 and the grievance with regard to the seniority was being raised by him in the year 2015 i.e. after a period of two decades.

It is a settled principle of law that a settled seniority cannot be changed. Since the petitioner never raised any grievance after her appointment for such a long time, the respondent No.4 is being treated

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senior to the petitioner all this while, the seniority which has been framed by the respondent-State to show respondent No.4 is senior to the petitioner needs no interference by this Court and the present petition is accordingly dismissed.

Civil miscellaneous application pending, if any, is also disposed of.

August 02, 2024

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No