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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-14774-CWP-2024 in/and
CWP-28979-2018
Date of Decision: 03.12.2024

ANJALI SHARMA @ KAMALJEET KAUR ... PETITIONER

VS.

STATE OF PUNJAB & ORS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rakesh Sobti, Advocate
for the petitioner.

Mr. T.P.S.Chawla, Senior DAG, Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

CM-14774-CWP-2024

Prayer in this application is for placing on record seniority list
of Clerks as Annexure P-17.

For the reasons mentioned in the application, the same is
allowed and seniority list of Clerks as Annexure P-17 is taken on record,
subject to just exceptions.

CWP-28979-2018

In the present petition, the challenge is to the seniority list in
the cadre of Clerks wherein the seniority of the petitioner has been fixed
below the private respondents despite being higher in merit.

Learned counsel for the petitioner argues that the petitioner and private respondents were selected by way of direct recruitment in the same selection and keeping in view the rules governing the service, where the appointment has been made by way of direct recruitment, while fixing the *inter se* seniority, the merit obtained by the candidates in the competitive examination is to be adhered to and as the petitioner was higher in merit than the private respondents, which fact is clear from the merit list (Annexure P-1), the grant of seniority to the private respondents only on the ground that they had joined prior to the petitioner, is no ground so as to violate the rules governing the service according to which the seniority is to be fixed.

Learned State counsel submits that he has written instructions dated 03.12.2024 that the respondents will re-consider the issue and will hear the petitioner as well as private respondents once again and will re-fix the *inter se* seniority keeping in mind the rules governing the service and the merit obtained by the candidates in the said selection and the said seniority will be finalized within a period of four months from the receipt of certified copy of this order.

Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel, the present writ petition may kindly be disposed of having been not pressed any further.

Ordered accordingly.

03.12.2024
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(HARSIMRAN SINGH SETHI)
JUDGE