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

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Date of Decision :22.08.2024

Darshan Singh and others**...Petitioners****Versus****State of Punjab and others****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. H.S. Dhindsa, Advocate for the petitioners.

Mr. Arun Gupta, DAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the petitioners submits that the petitioners were appointed as Jail Warders in the year 1982 through proper selection process and thereafter, in the year 1996, in the combined seniority list of the Jail Warders and Head Warders as stood on 27.08.1996, the petitioners were declared senior to certain Head Warders, which seniority was maintained even in the year 2014.

Learned counsel for the petitioners argues that petitioners retired from the post of Head Warders and were not given promotion to the post of Assistant Superintendent whereas, now the employees, who were juniors to them in the seniority list issued in the year 1996 as well as in the year 2014 in the cadre of Head Warders have been granted promotion to the post of Assistant Superintendent vide order dated 03.07.2024 (Annexure P/4) w.e.f. 03.01.2017, on which date, all the petitioners were still in service



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and were senior to those persons who have been granted promotion vide order dated 03.07.2024 (Annexure P/4), hence, the petitioners are also entitled for the grant of benefit of promotion to the post of Assistant Superintendent with effect from the date the persons junior to them, have been promoted i.e. 03.1.2017 with all consequential benefits.

Learned counsel for the petitioners submits that the petitioners have already raised the said grievance in their legal notice dated 15.07.2024 (Annexure P/5), which is still pending consideration with the respondents and the petitioners will be satisfied, at this stage, in case, a direction is issued to the respondents to decide the same by passing an appropriate speaking order in a time bound manner.

Notice of motion.

On the asking of the Court, Mr. Arun Gupta, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Learned counsel for the respondents submits that in case, legal notice dated 15.07.2024 (Annexure P/5) has been received in the office of the concerned authorities and the same is still pending consideration with the authorities concerned, the same will be decided by the competent authority within a period of eight weeks from the date of the receipt of certified copy of this order by passing an appropriate speaking order and in case, it is found that petitioners were senior to the employees who have been granted promotion vide order dated 03.07.2024 w.e.f. 03.01.2017 in the seniority list issued in 1996 and subsequently in 2014 and the petitioners were still in service on 03.01.2017, keeping in view the seniority list of the year 1996 as well as 2014, the said benefit of promotion to the post of Assistant



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Superintendent will also be given to the petitioners within a further period of 04 weeks along with consequential benefits.

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

Ordered accordingly.

August 22, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No