



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(123)

CWP No. 33145 of 2024
Date of Decision : 10.12.2024

Bhupinder Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Fateh Singh Dhillon, Advocate for the petitioners.

Mr. Arun Gupta, Deputy Advocate General, Punjab.

Mr. R.K. Arora, Advocate
for private respondents No. 4 to 6, 10 to 13 and 15 to 17.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the seniority list in the Cadre of Surveyors, which has been prepared by the respondents vide order dated 17.09.2024 (Annexure P-17).
2. Learned counsel for the petitioners submits that the petitioners and the similarly situated Surveyors were appointed in the month of February, 2017 after following recruitment process initiated in the year 2014 and were given time to join the post within a period of two months and thereafter, certain appointments were made to the Cadre of Surveyors in the month of March, 2017 again through a recruitment process initiated in the year 2015 and the seniority has been prepared on the basis of the date of



joining rather than the date on which the recruitment process started or when the appointment order was issued.

3. Learned counsel for the petitioners submits that once a particular Batch joins by way of direct recruitment, their inter se seniority is to be maintained on the basis of the merit obtained instead of date of joining, hence, the selectee of the first Batch of Surveyors appointed in February, 2017 are to be treated senior to the appointees of the Surveyors who were appointed in March, 2017, especially when the Advertisement in case of petitioners was prior in time than private respondents and they join within the time limit prescribed/allowed in the appointment order.

4. Learned counsel for the petitioners further submits that the seniority which has been framed by the Department is contrary to the rules governing the service, according to which, the merit inter se between one Batch is to depend upon the merit obtained, whereas, in the present case, the two Batches of Surveyors have been intermingled keeping in view the date of joining the post which is arbitrary and illegal.

5. Notice of motion.

6. On the asking of the Court, Mr. Arun Gupta, Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent-State and Mr. R.K. Arora, Advocate appears on behalf of some of the private respondents.

7. Learned State counsel submits that in case the petitioners have any grievance, the same can be raised before respondent No. 1 i.e. the Secretary, Department of Soil and Water Conservation and in case, any such representation is made, appropriate order on the claim with regard to the



fixing of seniority inter se will be passed in terms of the Rules governing the service within a period of three months.

8. At this stage, learned counsel for the petitioners submits that the respondents are in process of making promotions from the post of Surveyors and till the impugned seniority is looked into by respondent No. 1 and until the appropriate order is passed on the claim of the petitioners, no final promotion be effected.

9. Keeping in view the fact that the respondents have undertaken to look into the matter with regard to the seniority of the Surveyors, which has to be the basis of promotion to the next higher post, till the issue is resolved by respondent No. 1, it will be in the interest of justice of all that no final promotion to the post of Surveyor be effected in the Cadre.

10. Respondent No. 1 is also requested that all the concerned who are likely to be effected by the outcome of the prayer of the petitioners qua the finalization of seniority in the Cadre of Surveyors, should be heard before arriving at any conclusion qua the claim being raised by the petitioners.

11. Petition is disposed of in above terms.

December 10, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No