

2025.PHHC.055748-DB



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

LPA-574-2025 (O&M)

Date of decision: 29.04.2025

IQBAL SINGH

.....Appellant

Versus

STATE OF PUNJAB & ANR.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE ALOK JAIN**

Present:- Mr. Alok Mittal, Advocate for the appellant.
Ms. Arundhati Kulshreshtha, AAG, Punjab.

SUDHIR SINGH, J.

CM-1481-LPA-2025

For the reasons given in the application, the same is allowed and the delay of 142 days in filing the appeal is condoned.

LPA-574-2025

Challenge in the instant intra Court appeal is to the order dated 12.08.2024 passed by the learned Single Judge, whereby the writ petition filed by the appellant was dismissed.

2. Before the learned Single Judge, the appellant had sought directions to the respondent-authorities to determine his seniority on the basis of continuous length of service and further consider his case for next promotion from the deemed date with all consequential benefits. It was the case of the petitioner that he should have been granted seniority as per his initial date of appointment and the appellant ought to have been considered senior to the persons at Serial Nos.1 to 4 in the seniority list (Annexure P-4 with the writ petition).

3. The learned Single Judge, after noticing the rival

contention has dismissed the writ petition, as noticed above.

4. Learned counsel for the appellant has vehemently argued that while passing the impugned order, the learned Single Judge has not taken into consideration the settled position in law that the eligible senior employee, must be first considered for promotion and if found suitable, must be promoted and upon promotion, his past service should count for the seniority purpose. It is further argued that the right to promotion is the statutory right and it should not be defeated in any manner. It is also argued that the petitioner had wrongly been shown at Serial No.5 in the seniority list, whereas the persons junior to him, were made senior to him.

5. We have heard learned counsel for the appellant and have also gone through the case file, including the impugned order.

6. The only question that arises for consideration by this Court is whether the impugned order passed by learned Single Judge, requires any interference.

7. The learned Single Judge has found that the appellant had challenged the seniority list after his retirement and once the relationship of master and servant had come to an end, the issue of seniority could not be raised by an employee so as to claim retrospective benefit(s). It was further found that the persons at Serial Nos.1 to 4 in the seniority list, were promoted to the posts of Superintendent Grade-II prior to the appellant and that the seniority was to be maintained in the cadre of Superintendent Grade-II. It was conceded position by the appellant that the promotion of the said persons had not been challenged by him. It was, thus, found that the

appellant could not be treated senior to the persons at Serial Nos.1 to 4 in the cadre of Superintendent Grade-II, merely on the ground that the initial appointment of the appellant as a Clerk, was prior to the said persons.

8. Admittedly, the appellant did not challenge the promotion of the persons at Serial Nos. 1 to 4 in the seniority list in the cadre of Superintendent Grade-II. The learned Single Judge has rightly found that the seniority in a particular cadre is to be maintained on the basis of length of service. As the said persons had been promoted prior to the appellant in the cadre of Superintendent Grade-II. The appellant cannot claim seniority over them merely for the reason that in the original cadre of Clerk he had been appointed prior to the said persons.

9. In view of the said fact, we find that the order passed by the learned Single Judge is just and proper and the same does not require any interference by this Court.

10. No other point has been urged.

11. In view of the above, finding no merit in the present appeal, the same is hereby dismissed.

12. Pending application(s), if any, shall also stand disposed of.

[SUDHIR SINGH]
JUDGE

[ALOK JAIN]
JUDGE

29.04.2025

himanshu

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No