

**CWP-1225-1999 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****101****CWP-1225-1999 (O&M)
Date of Decision :19.03.2025****Ram Singh and others****...Petitioners****Versus****The Punjab Pollution Control Board****..Respondent****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. B.S. Patwalia, Advocate with Mr. Gaurav Jagota, Advocate for the petitioners.

Mr. A.P. Singh, Advocate (joined through video conferencing) with Ms. Sandisha Kaur, Advocate for respondent.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, prayer of the petitioners is that they should be considered and promoted to the post of Scientific Assistant in accordance with the provisions of the Punjab State Board for the Prevention and Control of Water Pollution Employees Service Regulations, 1980 (hereinafter referred to as, '1980 Regulations') and the post against which the claim is being raised by the petitioners for promotion, be not filled up by way of direct recruitment.

2. The present writ petition was filed in the year 1999. As per the pleadings, which have come on record, the posts against which the claim has been raised for promotion have already been filled up by way of direct recruitment. Once, the posts against which the claim has been raised have



CWP-1225-1999 (O&M)

-2-

already been filled up by way of direct recruitment and the candidates who have been selected against the said posts are not the party to the present petition, no benefit of promotion to the post in question can be granted to the petitioners.

3. Learned counsel for the petitioners submits that after the filing of the present petition, the petitioners were promoted to the post of Scientific Assistant and the only dispute that remains as of now is qua the seniority in case, the petitioners succeed in the present petition.

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

5. It may be noticed that the petitioners are raising claim of seniority over the above the 22 directly recruited Scientific Assistant, who are not party to the present petition. In case, the claim of the petitioners as raised that they should be granted seniority over and above the 22 directly recruited Scientific Assistant is accepted, the same will be unjust as the benefit is being claimed against the persons, who are not party to the petition.

6. As per the settled principle of law settled by the Hon'ble Supreme Court of India in **Vijay Kumar Kaul and others vs. Union of India and others, 2012 (7) SCC 610**, in case, any seniority is being claimed over and above any employee, the concerned employee against whom the relief is being claimed, should be made party to the petition. Relevant paragraph of the said judgment is as under:-

28. Another aspect needs to be highlighted. Neither before the tribunal nor before the High Court, Parveen Singh and others were arrayed as parties. There is no dispute over the



factum that they are senior to the appellants and have been conferred the benefit of promotion to the higher posts. In their absence, if any direction is issued for fixation of seniority, that is likely to jeopardise their interest. When they have not been impleaded as parties such a relief is difficult to grant. In this context we may refer with profit to the decision in [Indu Shekhar Singh & Ors. v. State of U.P. & Ors.](#)[8] wherein it has been held thus: -

“There is another aspect of the matter. The appellants herein were not joined as parties in the writ petition filed by the respondents. In their absence, the High Court could not have determined the question of inter se seniority.”

7. Further, as per the settled principle of law settled by the Hon’ble Supreme Court of India in **Civil Appeal No.4258 of 2022 titled as, Ram Kumar s. State of Uttar Pradesh and others, decided on 28.09.2022,** no effective decree can be passed in case all the necessary parties are not impleaded. Relevant paragraphs of the judgment are as under:-

“8. This Court in the case of [Mumbai International Airport Private Limited](#) (supra) had an occasion to consider as to who (2016) 2 SCC 779 (2010) 7 SCC 417 is a necessary party to the proceedings. It will be relevant to refer to paragraph 15 of [the said judgment](#), which reads thus:

“15. A “necessary party” is a person who ought to have been joined as a party and in whose absence no effective decree could be passed at all by the court. If a “necessary party” is not impleaded, the suit itself is liable to be dismissed. A “proper party” is a party who, though not a necessary party, is a person whose presence would enable the court to completely, effectively and adequately adjudicate upon all matters in dispute in the suit, though he need not be a person in favour of or against whom the decree is to be made. If a person is not found to be a proper or

**CWP-1225-1999 (O&M)****-4-**

necessary party, the court has no jurisdiction to implead him, against the wishes of the plaintiff. The fact that a person is likely to secure a right/interest in a suit property, after the suit is decided against the plaintiff, will not make such person a necessary party or a proper party to the suit for specific performance.”

9. It could thus be seen that a necessary party is a person in whose absence no effective decree could be passed by the Court. It has been held that if a “necessary party” is not impleaded, the suit itself is liable to be dismissed.”

8. Keeping in view the facts and circumstances recorded hereinbefore, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

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

March 19, 2025*aarti***(HARSIMRAN SINGH SETHI)****JUDGE***Whether speaking/reasoned : Yes**Whether reportable : No*