

2025:PHHC:037396



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

125

CWP-7445-2025

Date of Decision:18.03.2025

HARPREET SINGH

..... PETITIONER

VS.

**PUNJAB URBAN PLANNING AND DEVELOPMENT AUTHORITY
(PUDA) AND OTHERS**

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA

Present: Mr. Sarthak Gupta, Advocate for the petitioner.

DEEPINDER SINGH NALWA, J. (ORAL)

1. In the present writ petition, the petitioner is challenging the order dated 06.03.2025 (Annexure P-9) vide which, the representation of the petitioner dated 07.02.2025 (Annexure P-8) has been rejected and claim of the petitioner for placing him senior in the seniority list of Sub Divisional Engineers (Civil) above the persons, who were junior to him in the feeder cadre of Junior Engineer (Civil) has been rejected.

2. Brief facts of the case are that the petitioner was appointed on the post of Junior Engineer (Civil) in the year 2012 in pursuance of the advertisement issued on 30.10.2011. The petitioner possesses the qualification of three years Diploma in Civil Engineering. Petitioner was senior to the private respondents No. 2, 3 and 9 in the seniority list of Junior Engineers (Civil).

3. Next promotion from the post of Junior Engineer (Civil) is to the post of Sub Divisional Engineer (Civil) which is governed by Regulations called as the Punjab Urban Planning and Development Authority (Employees Service) Regulations, 1999 (hereinafter referred to as “the 1999 Regulations”). The relevant extract of the 1999 Regulations pertaining to promotion to the post of Sub Divisional Engineer (Civil) is reproduced as under:-

Sr. No.	Designation of Post	Percentage for appointment:- Promotion	Qualifications and Experience:-Promotion
	Sub-Divisional Engineer (Civil)	55 percent	(i) 34 percent Posts from amongst Junior Engineers (Civil) who possess Diploma in Civil Engineering & who have an experience of working as such for a minimum period of Seven years; (ii) 14 percent from amongst the Junior Engineers who possess a Degree in Engineering in Civil or AMIE from a recognized university or Institution, and who have an experience of working as such for a minimum period of three years after obtaining the aforesaid Degree; (iii) 7 percent posts from amongst the Circle Head Draftsmen and Divisional Head Draftsmen, who possess a Degree in Engineering in Civil or Degree of AMIE from a recognized university or Institution, and who have an experience of working as such for a minimum period of Two years; and (b) Should have qualified the Departmental Examination conducted by the Punjab PWD Department;

4. A perusal of the abovesaid Regulations would show that 55 % of the posts are to be filled by way of promotion, out of which, 34% posts are to be filled amongst Junior Engineers (Civil) who possess Diploma in Civil Engineering and who have an experience of working as such for a minimum

period of seven years. Fourteen percent of the posts have to be filled amongst the Junior Engineers who possess a Degree in Engineering in Civil or AMIE from a recognized University or Institution, and who have an experience of working as such for a minimum period of three years after obtaining the abovesaid degree. Seven percent of the posts are to be filled by way of promotion amongst the Circle Head Draftsmen and Divisional Head Draftsmen, who possess a Degree in Engineering in Civil or Degree of AMIE from a recognized University or Institution, and who have an experience of working as such for a minimum period of two years. Respondents No.2, 3 and 9, who were junior in the feeder cadre, were promoted on the post of SDE (Civil) in 14% quota on 24.08.2017, 23.08.2017 and 21.02.2018. Respondents No. 4, 5, 6, 7, 8, 10 and 11 were appointed on the post of SDE (Civil) by way of direct recruits before the petitioner was promoted on the post of SDE (Civil). The petitioner was promoted on the post of Sub Divisional Engineer (Civil) in the year 2019 under 34% quota reserved for JE (Civil) who possess the qualification of diploma in Civil Engineering.

5. The petitioner submitted a representation that as he was senior to respondents No. 2, 3 and 9 in the feeder cadre, therefore, he should be shown senior in the seniority list of SDE (Civil). Reliance was made on the judgment passed by the Hon'ble Supreme Court in **Ajit Singh vs. State of Punjab, AIR 1999 SC 3471**. The representation submitted by the petitioner was rejected by the order dated 06.03.2025 (Annexure P-9).

6. A perusal of the abovesaid order dated 06.03.2025 (Annexure P-9) would show that as per the official respondent as the petitioner was not

eligible for promotion in the year 2017, under the 14% quota amongst the degree holder Junior Engineer. As such, the petitioner could not be placed senior in the seniority list of Sub Divisional Engineers (Civil). The petitioner was promoted in the year 2019 upon completion of 7 years under 34% quota reserved for the Junior Engineer (Civil) who possess the qualification of diploma in Civil Engineering.

7. Aggrieved against the abovesaid order of rejection dated 06.03.2025, the petitioner has filed the present writ petition.

8. The counsel appearing on behalf of the petitioner submits that as the petitioner was senior in feeder cadre, i.e. JE(Civil) therefore, by applying the Rule of “Catch-up”, although the petitioner was promoted after the promotion of respondents No.2, 3 and 9, should rank senior to respondents No.2, 3 and 9 and also other direct recruits who were appointed before the petitioner was promoted on the post of SDE (Civil) in the Seniority List.

9. The contention raised by the counsel appearing on behalf of the petitioner cannot be accepted for the reason that although respondents No.2, 3 and 9 were junior to the petitioner in the feeder cadre i.e. in JE (Civil), however, they were promoted on the post of SDE (Civil) under 14% quota reserved for Junior Engineers who possess Degree in Engineering in (Civil) or AMIE from a recognized University or Institution. It is an admitted fact that the petitioner does not possess the qualification of Degree in Engineering in Civil or AMIE from the recognized University. As respondents No.2, 3 and 9 were promoted on the post of SDE (Civil)

under 14% quota, the petitioner cannot claim that he should rank senior to respondents No.2, 3 and 9 in the seniority list of SDE (Civil) who were junior in feeder cadre i.e. JE (Civil). In regard to the “seniority” is concerned, Regulation 13 of the 1999 Regulations deals with determination of seniority. The relevant extract of the abovesaid Regulation is reproduced as under:-

“That Regulation for determining seniority in the 1999 Regulations is Reg. 13, the relevant extract of which reads as under:

Seniority - The seniority interse of the members of a Service appointed to posts in each cadre of a Service shall be determined by the length of continuous service on such post in that cadre of the Service:

Provided that in the case of members appointed by direct appointment who join within the period specified in the order of appointment or within such period as may be extended from time to time by the Appointing Authority, the seniority based on the order of merit determined and recommended by the Selection Committee, shall not be disturbed”.

10. A perusal of the abovesaid regulations would show that seniority *inter se* of a member of service appointed to the post in each cadre of service shall be determined by the length of continuous service on such posts in the cadre of the service.

11. A perusal of the facts of the present case would show that petitioner was promoted on the post of SDE (Civil) in the year 2019, whereas respondents No.2, 3 and 9 were promoted on the post of SDE (Civil) in the year 2017 and 2018. Respondents No.4,5,6,7, 8, 10 and 11 were appointed on the post of SDE (Civil) as direct recruits which was before the promotion of the petitioner on the post of SDE (Civil).

Therefore, as per the regulations 13 of 1999 regulations, petitioner has rightly been shown junior to the private respondents in seniority list.

12. As far as the reliance placed by the counsel appearing on behalf of the petitioner, in *Ajit Singh's case (supra)* is concerned, the abovesaid judgment is not applicable in the present case for the reason that in the abovesaid case, the issue was in regard to accelerated promotion given to the reserved category and general category employees were claiming seniority over the reserved category on the basis of "Catch-up rule". In the present case, issue is not in regard to accelerated promotion, in fact the private respondents No. 2, 3 and 9 were promoted on the post of SDE (Civil) under 14% quota reserved which was to be filled from amongst the Junior Engineers (Civil) who possess Degree in Engineering in Civil or AMIE from a recognized University and respondents No. 4, 5, 7, 8, 10 and 11 were appointed by way of direct recruitment before the petitioner was promoted on the post of SDE(Civil).

13. A perusal of the facts of the case would show that private respondents were appointed/promoted before petitioner was promoted on the post of SDE (Civil) in their respective quota as such they are rightly shown senior to petitioner in the seniority list.

14. In the light of the facts mentioned above, there is no illegality in the order dated 06.03.2025. As such, there is no merit in the writ petition and the same is dismissed.

(DEEPINDER SINGH NALWA)
JUDGE

MARCH 18, 2025
Poonam Sharma

Whether speaking/reasoned	Yes
Whether Reportable	Yes/No