



CWP-6869-2007 (O&M)

1

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

1044

CWP-6869-2007 (O&M)

Date of decision: 07.05.2025

V.K.Ohri

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Mr. Satnam Preet Singh, DAG, Punjab.

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition for quashing the order dated 04.04.2007 vide which the seniority of the Punjab Civil Services (Executive Branch) officers was redetermined.

2. The Division Bench, while admitting the petition on 15.10.2007, had granted the interim stay, which though was modified on 03.04.2008 only to the extent that “Without going into much more detail, we are in consonance with the learned counsel for the State that in order to implement the directions of the Hon'ble Supreme Court in C.A. No.6373 of 2001, the stay granted by this Court on 15.10.2007 should be amended to this effect that the order dated 15.10.2007 shall not have any effect on the respondents who have been recommended for promotion by the Union Public Service Commission i.e. Sarv Shri Deepender Singh, M.R.Aggarwal, Balwinder Singh, Harbhupinder Singh, P.S.Mand, and A.S.Miglani.”

3. In the index of the petition, reference was made to the pendency of CWP-6542-2007, titled as **Megh Raj vs. State of Punjab and others** and CWP-6543-2007, titled as **Surjit Singh vs. State of Punjab and others**, which came to be disposed of by the Division Bench on 25.02.2009, operative part whereof reads thus:-



We have given our careful consideration to the submissions made at the bar. The challenge to the impugned seniority list is on the statement made by learned counsel for the petitioners, abandoned by the petitioners. This need not necessarily imply that the petitioners must suffer reversion or superannuation from service so long as their continuance is otherwise possible without causing any prejudice to any one else. That is the purport of the orders passed by their Lordships also no matter only as an interim measure. So long as there are vacancies available in the cadre against which the petitioners can be continued, there is no reason why they must be reverted especially when they are so close to superannuation. The continuance of the petitioners against the available vacancies or vacancies that may occur in future shall however be subject to the specific condition that such continuance will not prevent the authorities from initiating the process of selection of suitable candidates entitled to appointment against any such vacancies, nor shall it prevent the authorities from making appropriate appointment of the selected candidates in which event the petitioners or such of them as are holding the post meant for any such selected candidate shall have to superannuate from service as they have already crossed the age of superannuation under the Punjab Civil Services Rules. We also make it clear that the continuance of the petitioners against the available vacancies shall only be for the purposes of preventing their immediate exit from service and shall not be interpreted to have resulted in or earned any other benefit for them, which they would not otherwise be entitled to in terms of the seniority list now finalized except the right to receive the current emoluments admissible to that post. The writ petitions are with the above directions disposed of. This order shall not be taken as a precedent. All the pending CMs shall stand disposed of in terms of this order. No costs.”

4. In view of the above, the present petition is disposed of.

(AMAN CHAUDHARY)
JUDGE

07.05.2025

Hemant

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No