

CWP-3368-2016 and other connected cases

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208 (05 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 30.09.2025

1.

CWP-3368-2016

Inderjit Singh and another

State of Punjab and others

VERSUS

... Petitioners

....Respondents
2.

CWP-3634-2016

Anil Kumar and another

State of Punjab and others

VERSUS

... Petitioners

....Respondents
3.

CWP-3082-2017

Kuldip Singh and others

State of Punjab and others

VERSUS

... Petitioners

....Respondents
4.

CWP-1570-2021

Rajnish Kumar

State of Punjab and others

VERSUS

... Petitioners



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5. **CWP-1090-2021**Respondents
 Sarabjit Singh
 ... Petitioners
 VERSUS
 State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. R.K. Arora, Advocate with
 Mr. Prabhat Kashyap, Advocate and
 Mr. Jaskirat Singh Bhogal, Advocate
 for the petitioners in CWP-3368-2016, CWP-1090-2021
 CWP-3082-2017 and CWP-1570-2021.

Mr. Sunny Singla, Advocate and
 Ms. Riti Aggarwal, Advocate
 for the petitioners in CWP-3634-2016.

Mr. Vikas Arora, Deputy Advocate General, Punjab.

Mr. Mrigank sharma, Advocate
 for respondent no. 3 in CWP-1090-2021.

Mr. Sanjeev Soni, Advocate and
 Ms. Nishtha Grover, Advocate
 for respondent no. 3 in CWP-3368-2016.

Mr. Harsh Aggarwal, Advocate
 for respondent no. 3 in CWP-3082-2017 and CWP-1570-2021.

HARPREET SINGH BRAR, J. (ORAL)

1. This common order shall dispose of all five of the
 abovementioned writ petitions as they arise from a similar factual matrix.

However, for the sake of brevity, the facts are taken from CWP-3368-2016.

2. The present civil writ petition has been filed under Articles

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226/227 of the Constitution of India *inter alia* for issuance of a writ in the nature of *certiorari* seeking quashing of the impugned order dated 29.08.2014 (Annexure P-22) whereby the petitioners have been denied the benefit of seniority from the date of their initial appointment while merging them in the cadre of Clerk. It is further prayed that the seniority list (Annexure P-25) and, letter dated 02.02.2016 (Annexure P-27) whereby the claim of the petitioner regarding seniority in the Clerk cadre based on their past service was also denied, may also be quashed.

3. Learned counsel for the petitioners *inter alia* contends that the petitioner no.1 was initially appointed as Meter Reader on 13.09.1979 by respondent-Municipal Council, Moga while petitioner No.2 was appointed as a Meter Reader on 22.11.1984 with the respondent-Council. However, right since the beginning, the petitioners were assigned duties of a Clerk. In fact, they also received the same pay scale and postings in different branches as clerks. Learned counsel refers to order dated 31.05.1989 (Annexure P-7) to substantiate his averments that the petitioners have been assigned the duty of Tehbazari Clerk. Vide instructions dated 20.11.1991 (Annexure P-10), it was decided that Bill Distributors and Meter Readers may also be granted initial start of Rs.1000/- in the pay scale of Rs.950-18000 w.e.f. 01.01.1986 as allowed to Clerks. However, it was also ordered that they may not be given seniority in the seniority list of Clerks. In furtherance of the same, the petitioners were removed from the said list while they continued rendering services of a Clerk. Aggrieved by the same, identically circumstanced employees filed a *Civil Writ Petition No. 7087 of 1997* challenging the instructions issued on 20.11.1991 (Annexure P-10).

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4. Further, the competent authority has maintained a combined seniority list of Meter Readers and Clerks as discernible from Annexures P-9 where petitioner No.1 is placed at serial No.61 while petitioner No.2 is placed at serial No.76 with respect to their original date of joining i.e. 13.05.1982 and 18.12.1984, respectively. Moreover, the instructions dated 24.05.2012 (Annexure P-21) issued by the Government of Punjab indicates that Bill Distributors and Meter Readers are to be treated as a part of the cadre of the Clerks in terms of instructions dated 05.05.1997. Accordingly, the pay scale of the petitioners were revised and re-fixed at par with the pay scale of the Clerks w.e.f. 01.12.2011. Thereafter, impugned order dated 29.08.2014 (Annexure P-22) was passed whereby it was decided that the posts of Bill Distributor and Meter Reader be merged in the cadre of Clerk however, for the purpose of calculation of seniority, the date of the them being appointed as Clerks is to be taken into consideration. In view of the same, the seniority list (Annexure P-25) was circulated where the petitioners were placed at serial no.23 and 24, respectively, by assuming their date of appointment to be 29.08.2014 and 29.08.2014, respectively.

5. Learned counsel further submits that the petitioners aggrieved by the improper calculation of seniority moved many representations before the respondent-Council resulting in passing of a resolution dated 08.01.2016 (Annexure P-26) vide which the matter was recommended to the Government of Punjab. A perusal of the resolution dated 08.01.2016 (Annexure P-26) would indicate that the name of the petitioners and other similarly situated employees were neither included in the seniority list of the Clerks nor in the list of technical employees which includes Pump Operator,

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Chargeman and Fitter in Technical Wing, for the purpose of casting a fitter cadre for their onward promotion to Junior Engineer. Furthermore, it was proposed that the petitioners be given seniority from the date of their initial appointment. It was further submitted that the Government of Punjab did not consider the proposal sent by the respondent-Council. Lastly, the case of the petitioners is duly covered by the judgment rendered by this Court in ***Balkar Singh vs. State of Punjab, 1996(2) S.C.T. 178.***

6. *Per contra* learned counsel for respondent no.3-Council submits that the cadre of the petitioners would not change merely because they are performing the duties of a Clerk. Moreover, the names of the petitioners were removed from the seniority list per instructions dated 20.11.1991. However, they did not agitate their grievance in a timely manner, meaning thereby they have accepted their seniority and were satisfied to work as Clerks although their appointment was made as Meter Readers. Learned counsel referred to office order dated 11.05.2001 (Annexure P-15) whereby the petitioner No.2 was transferred from the post of Octroi Clerk to the post of Meter Reader to submit that no objections in this regard were raised by him. Furthermore, the services rendered by the petitioners as Meter Readers cannot be considered for seniority as Clerk as those were separate cadres._

7. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that the respondent-Council has been extracting the work of a Clerk from the petitioners since their appointment even though the said appointment was made to the post of Meter Reader. Throughout their service, the respondent-Council has treated the post of Meter Readers equivalent to the post of Clerks in status and

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responsibility. As a matter of fact, various office orders refer to the petitioners are Clerks even before they were officially appointed as such. Clearly, the duties of the petitioners as Clerks and Meter Readers are inseparable and interchangeable, therefore, the respondent-Council cannot be allowed to deny them the benefits of the services rendered by them as Meter Readers with respect to calculation of seniority.

8. Additionally, the argument raised by the learned counsel for respondent no.3-Council that the petitioners can be deemed to have accepted their fate when they did not agitate against removal of their names from the seniority list in the year 1991 cannot be appreciated by this Court as the cause of action only arose in the year 2015 when the seniority list (Annexure P-25) was circulated wherein their date of appointment was mentioned as 29.08.2014.

9. The case of the petitioners is also squarely covered by the judgment rendered by a Coordinate Bench of this Court in **Balkar Singh (supra)** which addresses the present controversy by observing as follows:

“3. ...In addition to this petitioners have successfully demonstrated that the Meter Readers had been performing duties of Clerks and vice-versa in different branches of Municipal Committee on different occasions. The Committee had also maintained a combined seniority list of Meter Readers and Clerks and had been treating the post of Meter Reader equivalent to the post of Clerk in status and responsibility. In this view of the matter, I am of the view that it is not open to the Municipal Committee to fix the employees of these categories in different pay scales when they had been enjoying the pay scales of Clerks. Moreover the State though was made one of the respondents, but has not come forward to give any reason or justification for lowering the pay scale on the basis of order dated 14-8-1991 (Annexure P-7). The orders impugned also deserve to be quashed on the ground that neither any show cause notice was given to the petitioner nor they were afforded any opportunity of hearing before passing of orders lowering the pay scale and thereafter effecting recoveries.”


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10. Accordingly, in view of the aforesaid facts and circumstances, this Court is of the considered opinion that great prejudice will be caused to the petitioner if the services rendered by them since their initial appointment on 13.05.1982 and 18.12.1984, respectively is not counted towards their seniority, especially since they had been performing the duties of a Clerk since the inception. Thus, all the above-mentioned writ petition are allowed of in the following terms:

- (i) The impugned order dated impugned order dated 29.08.2014 (Annexure P-22), seniority list (Annexure P-25) and letter dated 02.02.2016 (Annexure P-27) are set aside to the extent of denying the petitioners benefit of the services rendered by them as Meter Readers towards computation of their seniority in the Clerk cadre.
- (ii) The respondent-Council/competent authority is directed to reassess the seniority of the petitioners and pass appropriate orders within a period of 02 months of receiving a certified copy of this order.

11. Pending miscellaneous application(s), if any, shall be disposed of.

30.09.2025
Sima

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*