

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

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CWP-25320-2025

Date of Decision : October 27, 2025

JASPREET SINGH

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Aminder Singh, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the present writ petition, the petitioner seeks quashing of the seniority list dated 14.06.2023 pertaining to Junior Engineers issued by the respondent-department.
2. It is pertinent to note that the petitioner had earlier also approached this Court by filing CWP-22792-2025, seeking similar relief. However, vide order dated 07.08.2025, the said writ petition was dismissed as withdrawn, with liberty granted to the petitioner to file a fresh petition on the same cause of action with better particulars.
3. Although the present writ petition, which constitutes second round of litigation, neither furnishes any better particulars nor raises any new grounds except a modification in the prayer clause, thereby rendering it amenable to dismissal on this ground only, this Court, in order to give quietus to the issue, deems it appropriate to examine the legality and validity of the impugned seniority list.

4. Shorn of unnecessary facts, the essential facts for adjudication are that the petitioner was initially appointed as a Junior Draftsman in the respondent-department on 26.04.2012. Subsequently, he was promoted to the post of Junior Engineer vide departmental order dated 07.03.2018 and he assumed charge on 09.03.2018. Prior to his promotion and joining as Junior Engineer, the respondent-department had issued an advertisement in 2016 for direct recruitment to the same post, pursuant to which, offers of appointment were issued on 04.10.2017 to selected candidates. The said selection list remained operative for approximately 2½ years, as certain higher-merit candidates did not join, compelling the respondent-department to offer appointments to lower-ranked candidates.

5. The grievance of the petitioner is that, since he joined as Junior Engineer on 09.03.2018, candidates from the said direct recruitment process, who joined thereafter, cannot be placed above him in seniority.

6. Learned counsel for the petitioner submits that the action of the respondent-department in denying the petitioner seniority over such subsequently appointed candidates is illegal and contrary to Rule 8 of the Punjab Civil Services (General and Common Service Conditions) Rules, 1994 (hereinafter referred to as “the Rules of 1994”). It is submitted that the original selection list comprised approximately 177 candidates, and those who were subsequently appointed from the waiting list cannot be treated at par with candidates included in the original selection list. Consequently, their placement above the petitioner in the seniority list is

unsustainable in law.

7. This Court has heard the submissions of learned counsel for the petitioner and has carefully perused the record.

8. In the present case, Rule 8 of the Rules of 1994 assumes dire significance, as its interpretation forms the core of the petitioner's challenge. Rule 8 reads as under:

"8. Seniority. The seniority inter se of persons 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 persons recruited 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 appointing authority subject to a maximum of four months from the date of order of appointment, the order of merit determined by the Commission or the Board, as the case may be, shall not be disturbed:

Provided further that in case a person is permitted to join the post after the expiry of the said period of four months in consultation with the Commission or the Board, as the case may be, his seniority shall be determined from the date he joins the post:

Provided further that in case any person of the next selection has joined a post in the cadre of the concerned Service before the person referred to in the preceding proviso joins, the person so referred shall be placed below all the persons of the next selection, who join within the time specified in the first proviso:

Provided further that in the case of two or more persons appointed on the same date, their seniority shall be determined as follows: -

(a) a person appointed by direct appointment shall be senior to a person appointed otherwise;

(b) a person appointed by promotion shall be senior to a person appointed by transfer;

(c) in the case of persons appointed by promotion or transfer, the seniority shall be determined according to the seniority of such persons in the appointment from which they were promoted or transferred; and

(d) in the case of persons appointed by transfer from different cadres their seniority shall be determined according to pay.”

9. A plain reading of Rule 8 makes it abundantly clear that the four month period stipulated therein applies only in cases where an appointment letter has already been issued and the candidate fails to join within the said period. In the present case, no appointment letters had been issued to those candidates who joined service after March 2018. Once their appointment letters were issued, they joined within the prescribed four-month period. Hence, their seniority cannot be adversely affected by invoking Rule 8, as contended by the petitioner. The respondent-department has, therefore, rightly rejected the petitioner's claim in consonance with Rule 8 of the Rules of 1994.

10. In view of the foregoing discussion, this Court finds no merit in the present writ petition and the same is accordingly **dismissed**.

October 27, 2025
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No