



CWP-14362-2000 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(208)

CWP-14362-2000 (O&M)

Date of Decision : 16.04.2026

Hari Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARIPresent: Mr. Chanderdeep Singh, Advocate
for the petitioner.

Mr. Amit Kumar Goyal, Addl. AG, Punjab.

Mr. Bikramjit Singh Patwalia, Advocate
for respondent No.4.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, cast under Article 226/227 of the Constitution of India, a challenge is thrown to the order dated 03.12.1999 (Annexure P-5), passed by respondent No.2, wherethrough, the petitioner has been reverted from the post of Senior Assistant, and the respondent No.4, who was junior to the petitioner, was promoted in violation of the Division Bench judgment passed by Hon'ble Supreme Court in *SLP No.376-379 of 1999*, decided on 24.08.1999, titled '*Saroj Rani vs. State of Punjab*' 1999 (6) SCC 637.

2. Learned counsel for the petitioner, while referring to the seniority list (Annexure P-3/T), submitted that in the seniority list of Assistant Grade Examination passed Clerks/Senior Clerks/Junior Assistants, the name of the petitioner figured at Serial No.40, whereas, the name of the respondent No.4,



was mentioned at Serial No.59, and she has been promoted to the post of Assistant, whereas, the petitioner has not been promoted to the said post. He submits that the petitioner was duly qualified and cleared the examination prior to occurrence of the said post on 02.09.1994, and therefore, his candidature is required to be considered along with his junior candidates.

3. In order to lend vigour to his arguments, he has placed reliance upon the Annexure P-1/T, which is a news article published in the local newspaper i.e. 'Daily Ajeet Jalandhar', wherein, by way of publishing it was informed that the result for the post of Senior Assistant Grade Examination, conducted by the Punjab Govt., on 06.06.1994, has been declared, and total 671 candidates had appeared for the said examination, out of which, 200 candidates have passed the said examination, and 133 candidates are required to re-appear. The roll numbers of the candidates were also mentioned in the published news item.

4. Before this Court examine the sole submission made by learned counsel for the petitioner, it is imperative to have a glimpse upon the impugned order.

5. As per the impugned order, the petitioner along with some other co-employees, have been reverted to the post of Junior Assistant, who were promoted to the post of Senior Assistant, on qualifying the Assistant Grade Examination, subject to final judgment rendered by the Hon'ble Supreme Court in **Saroj Rani (supra)** case. The relevant is extracted hereinafter :-

"In pursuance of the instructions contained in Govt. circular letter No. 6/30/95/IPPI/11182 dated 15.9.99 coupled with the judgment dated 24.8.99 in C.A. Nos. 11660-61 of 1995, 3315-16 of 1997, 1329 of 1999 & C.A. 4688-91/1990 @ SLP (C) No 376/379/99 the following Clerks/Senior Clerks/Junior Assistants who were promoted



to the rank of Senior Assistants on their qualifying the Assistant Grade Examination, vide 0/0 NO. 782/EIII dated 26.11.98, No.783/EIII dt. 26.11.98 & No. 784/EIII dated 27.1.98 subject to the final judgment of the Apex Court are hereby reverted with immediate effect in pursuance of conditions laid down in their promotion orders referred to above.”

6. It is imperative to note here that the said **SLP No.376-379 of 1999**, was finally disposed of by the Hon’ble Supreme Court, through a verdict drawn on 24.08.1999, and the following directions were passed therein :-

“(1) All vacancies on the post of Assistant/Senior Assistants prior to 21st January, 1991 are to be filled up by those who qualified by passing the examination and exemptees would have no claim on such vacancies.

(2) All vacancies after 21st January, 1991 shall be filled in the ratio of 70 per cent and 30 per cent between exemptees and qualifiers in the examination, respectively, for each year in question till all the existing qualifiers are absorbed

(3) All promotions or reversions made have to be readjusted within the aforesaid frame work, irrespective of any interim orders then in force.

(4) Any incumbent who worked on the post of Assistant/Senior Assistant on account of promotion orders and in case they have to be reverted or have been reverted, any salary or consequential amount paid to such employees for working on the post of Assistant/Senior Assistant shall not be taken back from them. Similarly, if any employee gets promotion to the post of Assistant/Senior Assistant from an earlier date, he/she will not be entitled to any arrears of salary.



(5) State shall complete this exercise of promotion on the above said formula on or before the 31st December, 1999, till then the existing arrangement shall continue.

(6) So far two appellants in the appeal of Ravi Lamba, since they were promoted prior to 21st January 1991, for which there is no dispute and their reversion order being held illegal, they may be promoted forthwith and they may not be asked to wait for the final exercise of promotion in all other cases.”

7. The aforesaid directions clearly reflects that all the vacancies on the post of Assistant/Senior Assistant, prior to 21.01.1991, are to be filled up from those who qualified by passing the examination, and exemptees would have no claim on such vacancies; secondly, all vacancies after 21.01.1999, shall be filled up in the ratio of 70:30 between exemptees, and qualifiers in the examination, respectively, for each year in question, till all the existing qualifiers are absorbed.

8. It is the stand of learned counsel for the State before this Court, that the case of the promotion for the corresponding year, i.e. 1994 was considered on 02.09.1994, and the result of the petitioner qualifying the examination in question was declared on 20.09.1994, whereas, the respondent No.4, has cleared the said examination in time, therefore, she was considered eligible, and was subsequently, promoted to the post of Senior Assistant, over and above the petitioner.

9. Now the issue, which arises for consideration before this Court, at this stage is, as to whether, the result of the petitioner was declared on 23.08.1994, as claimed by the petitioner, by referring to the news article published (Annexure P-1/T), or it was declared on 20.09.1994

(Annexure P-2/T).



10. At this stage, the clarification issued by the department assumes significance, whereby, it is clarified that service book of employees, who have passed the Senior Assistant Grade Examination, the date of passing the examination as stated in the offer letter issued by the Chief Secretary, Govt. of Punjab, Examination Branch, may be mentioned. This letter was issued on 19.01.1996, by the authorities concerned, in pursuance of clarification sought by the Deputy Commissioner, concerned, through a letter dated 08.12.1995. The relevant part of both the letters are extracted hereinafter :-

“With reference to the subject cited above, it requested which date is to be mentioned in the service of books the employees who have passed the Assistant Grade Examination held on 5th June, 1994 meaning thereby from the date on which the result was published in newspaper or w.e.f. the date as mentioned in the letter of declaration of result or date of receipt of the letter with regard to the declaration of the result. Kindly advise us in the matter.”

“With reference to your memo No. 2632/GB dated 8th December, 1995 on the above subject.

In this regard it is stated that in the service the Senior the employees who have Assistant Grade Examination, the date of passing book of examination issued by passed the stated in the letter/referred letter the Chief Secretary, Punjab Examination Branch may be mentioned.”

11. This Court has also examined the news article published on 23.08.1994, perusal of which clearly reflects that it is not an authorized publication by the department concerned, rather it is the news article published on the basis of its own sources. The result was, in fact, declared on 20.09.1994, therefore, once the petitioner's result was declared post

02.09.1994, when respondent No.4, was promoted, having been cleared the

examination prior in time, as compared to the petitioner, this Court does not find any merit in the submission made on behalf of the petitioner, to interfere with the impugned award.

12. Consequently, finding no merit, the instant writ petition is **dismissed.**

13. Pending applications, if any, stands disposed of accordingly.

(KULDEEP TIWARI)
JUDGE

April 16, 2026
Manpreet

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