



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

119

CWP-3525-2026 (O&M)

Date of decision: 09.02.2026

Sanjay Kumar Sharma and others

....Petitioners

Versus

Haryana State Agriculture Marketing Board and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Pardeep Sehrawat, Advocate for the petitioner.

Mr. Prince Singh, Advocate for respondent No.1.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of *certiorari*, for quashing the impugned order dated 04.10.2024 (Annexure P-8) passed by the respondents and further to quash the Final Gradation List of Mandi Supervisor-cum-Fee Collector dated 24.06.2023 (Annexure P-6) issued by the respondents without taking into the grievances raised by the petitioners as petitioners were placed at Sr. No. 316 to 325 whereas the last person selected vide the same advertisement No.14/2007 have been placed at Sr. No.100. Further a writ of *mandamus* has been sought, directing the respondents to fix the salary of the petitioners at par with the candidates selected vide advertisement No.14/2007 and further direct the respondents to place the petitioners from Sr. No. 100 onwards at par with the candidates



selected vide advertisement No.14/2007 instead of Sr. No. 316 to 325 as the petitioners were also selected vide same advertisement.

2. Learned counsel for the petitioner, *inter alia*, contends that the petitioners applied for the post of Mandi Supervisor under advertisement No.14/2007 and appeared in the written examination held on 31.05.2008. Certain unsuccessful candidates had earlier filed a writ petition i.e. CWP-12375-2008, before this Court, seeking disclosure of OMR sheets, which was dismissed on 13.03.2012 (Annexure P-1). Subsequently, in LPA No. 793 of 2012, the Division Bench of this Court directed that a fresh written test and interview be conducted, which was decided on 11.01.2013 (Annexure P-2). Pursuant thereto, a fresh examination was held on 20.10.2015 (Annexure P-4), in which the petitioners were declared successful and subsequently joined as Mandi Supervisors on 29.12.2015. In the year 2021, a tentative gradation list was published, against which the petitioners submitted representations but received a non-speaking order dated 16.09.2021. Thereafter, a final gradation list was issued on 24.06.2023 (Annexure P-6), inexplicably placing the petitioners at Serial Nos.316 to 325, while the last candidate selected under the same advertisement was placed at Serial No.100. Thereafter, the petitioners approached this Court by filing CWP-10040-2024, which was disposed of with a direction to the respondents to decide their legal notice. In purported compliance, the respondents passed the impugned order dated 04.10.2024 (Annexure P-8), rejecting the claim of the petitioners without proper reasoning.



3. *Per contra*, learned counsel for respondent No.1 submits that after the advertisement issued in the year 2007, another advertisement was issued in the year 2009, in which the petitioners have not participated. He further submits that the posts on which the petitioners were appointed pursuant to the directions of the Division Bench of this Court in LPA-793-2012 were not available when the initial advertisement was issued in the year 2007 and they were instead adjusted against the vacancies that arose in the year 2013. He further contends that the candidates selected pursuant to the advertisement issued in the year 2009 have not been impleaded in the present proceedings and, therefore, any order passed in favor of the petitioners would certainly prejudice their rights. Learned counsel for respondent No.1 further contends that the petitioners were not borne in the cadre in the year 2007 and, therefore, cannot claim seniority over candidates who were appointed prior to the year 2015.

4. Having heard learned counsel for the parties and after perusal of the record, it transpires that respondent No.1/Board has sent the requisition of 65 posts of Mandi Supervisor on 01.10.2007 for the appointment to the recruiting agency i.e. Haryana Staff Selection Commission (respondent No.2 herein). Accordingly, respondent No.2 recruited/selected 63 candidates against the requisition of 65 candidates on 27.08.2008 and 02 posts remained unfilled due to non-availability of suitable candidates in those categories. Further the appointment letters were issued to 63 candidates on the post of Mandi Supervisors on



15.09.2008 against advertisement No.14/2007. Thereafter, a fresh requisition of 21 posts of Mandi Supervisor was sent to respondent No.2/Commission vide recruitment letter dated 12.03.2008 and pursuant to the same, a selection process was initiated and culminated when the respondent No.2/Commission sent a selection list on 23.02.2012 against the 21 posts and all those persons selected were given appointment letters on 01.05.2012 for the post of Mandi Supervisors against advertisement No.1/2009. In the meantime, a letter of request dated 06.05.2013 has been received from respondent No.2/Commission to provide the details of the category-wise vacancies available for Mandi Supervisors on the date of finalization of selection of candidates on 23.08.2008 on the post of Mandi Supervisors against advertisement No.14/2007. In response, an information regarding 10 vacant posts was sent which became vacant from 30.11.2007 to 31.07.2008 due to retirement of Mandi Supervisors on attaining the age of superannuation. Pursuant to the directions issued by Division Bench of this Court in LPA-793-2012, the respondent No.2/Commission sent a list of 17 selected candidates (10 in the merit list + 7 in waiting list) and accordingly, the respondent No.2/Commission has given appointment to those 10 candidates vide letters dated 28.12.2015 and 25.01.2016. All the petitioners are those candidates who were given appointment letter vide the aforesaid order.

5. Further, the service of petitioners as well as other candidates who were appointed in the year 2008-2009 against



advertisements No.14/2007 and No.1/2009 are governed by the Haryana State Agricultural Marketing Board Service Rules, 2008 (in short 'the Rules of 2008'). Rule 13 of ibid Rules of 2008, provides as under:-

***Seniority** – Seniority inter se of the members of the Service shall be determined by the length of their continuous service on any post in the Service:*

Provided that where there are different cadres in the Service, the seniority shall be determined separately for each cadre:

Provided further that in the case of members appointed by direct recruitment, the order of merit determined by the appointing authority mentioned in these rules shall not be disturbed in fixing the seniority:

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

a) a member appointed by direct recruitment shall be senior to a member appointed by promotion or by transfer;

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

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

d) in the case of members appointed by transfer from different cadres, their seniority shall be determined according to pay, preference being given to a member, who was drawing in higher rate of pay in his previous appointment and if the rates of pay



drawn are also the same, then by the length of their service in the appointments and if the length of such service is also the same, an older member shall be senior to a younger member.

6. Thus, it is duly established that the petitioners were not borne in the cadre of Mandi Supervisor at the time when other candidates were selected and recruited to the post of Mandi Supervisor in the year 2008 against advertisement No.14/2007. Moreover, 63 candidates were appointed on the post of Mandi Supervisors on 15.09.2008 against advertisement No.14/2007 and 21 more fresh candidates were appointed on the post of Mandi Supervisors against advertisement No.1/2009 before recommending the petitioners on the post of Mandi Supervisors in the year 2015 and as such, the petitioners' claim for considering them at par with those appointed in the year 2008 for the purpose of fixing seniority is totally misconceived as the requisition was sent for 65 candidates and 63 persons were selected and appointed pursuant to advertisement No.14/2007. Further, the perusal of the aforesaid Rule 13 of Rules of 2008 clearly indicates that seniority *inter se* of the members of the service shall be determined by the length of their continuous service on any post in service.

7. In view of the above, the petitioners cannot claim parity with the candidates who joined the office of respondent No.1/Board as Mandi Supervisors in the year 2008 against advertisement No.14/2007 for the purpose of *inter se* seniority. Similarly, the petitioners cannot be



placed above the 21 candidates selected against advertisement No.1/2009. Accordingly, the writ petition is dismissed.

(HARPREET SINGH BRAR)
JUDGE

09.02.2026
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No