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2026:PHHC:049524



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12700-2003
DECIDED ON:25.02.2026

TEJ SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. B.R. Rana, Advocate
for the petitioner

Mr. Rahul Dev Singh, Addl. AG Haryana

SANDEEP MOUDGIL, J (ORAL)

Prayer

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking quashing of the impugned order (Annexure P-11) and the consolidated revised seniority list both dated 24.03.2003 (Annexure P-12).

The Conspectus of Facts

2. The petitioner was initially appointed as a Clerk in the office of the Deputy Commissioner in the year 1971 and, on account of his satisfactory service record, was promoted to the posts of Assistant and thereafter Deputy Superintendent, maintaining seniority over respondents No. 6 and 7 throughout. It is alleged that prior to the amendment of the Haryana Revenue Department Divisional Subordinate (Group B) Service Rules, 1988, the cadres of Assistants

and Personal Assistants were distinct; however, by way of amendment, Personal Assistants were included in the feeder cadre for promotion to the post of Superintendent. Also a vacancy to the post of Superintendent arose in 1998 and the petitioner's case was recommended for promotion, the same was not acted upon, and thereafter a tentative seniority list was issued placing him below respondents No. 6 and 7.

3. The petitioner raised objections, asserting his seniority on the basis of earlier appointment and promotion, as well as alleging misinterpretation of the amended rules and undue benefit to private respondents but the same were not properly considered, and the revised seniority list dated 24.04.2003 (Annexure P-12) was finalized maintaining his lower placement. His subsequent representation was rejected without due application of mind. Hence, this petition

Contentions

On behalf of the petitioner

4. Learned counsel for the petitioner contends that the impugned seniority list (Annexure P-12) is wholly arbitrary and contrary to the statutory rules governing the service. It is argued that the petitioner, having entered service earlier and having been promoted to the feeder cadre prior in time, could not legally be placed below respondents No. 6 and 7.

5. It is further contended that the respondents have erroneously applied the amended rules governing the combined cadre, thereby disturbing the settled seniority position. According to learned counsel, the amendment cannot be given retrospective effect so as to take away the accrued rights of the petitioner.

6. Another submission advanced is that the recommendation made in favour of the petitioner for promotion to the post of Superintendent has been unjustifiably ignored. It is further argued that once the petitioner was found

suitable and recommended, denial of promotion without valid reasons is illegal and violative of Articles 14 and 16 of the Constitution of India.

7. Learned counsel has also argued that the objections filed by the petitioner were not properly considered and the order passed thereon is non-speaking and mechanical in nature. It is submitted that the entire exercise undertaken by the respondents suffers from non-application of mind and is vitiated by arbitrariness.

On behalf of respondents

8. Learned State counsel submits that the petitioner's claim for fixation of seniority on the basis of continuous length of service is legally untenable. It is contended that the settled position of law, as laid down by the Supreme Court, is that while reservation may confer accelerated promotion, it does not entail consequential seniority. In this regard, reliance is placed upon Government instructions dated 10.01.1997 and 14.10.199 (Annexure P-4), which categorically stipulate that employees belonging to reserved categories are not entitled to claim seniority over their seniors in the feeder cadre on account of accelerated promotion. Since the petitioner was promoted against a reserved post, he cannot claim accelerated seniority.

9. It is further argued that, pursuant to the amendment dated 22.08.2000 (Annexure P-6) to the Haryana Revenue Department Divisional Subordinate (Group-B) Service Rules, 1988, a combined cadre of Deputy Superintendents and Personal Assistants was constituted, and seniority has rightly been determined on the basis of the date of promotion to the said cadre. Respondents No. 6 and 7, having been promoted earlier, have correctly been placed above the petitioner.

10. Learned counsel submits that the seniority list was finalized after due consideration of objections and in compliance with the Government instructions

dated 14.10.1999 (Annexure P-4). The petitioner was afforded an opportunity of hearing at the appropriate stage, and the revised seniority list dated 24.04.2003 (Annexure P-12) is neither arbitrary nor violative of any statutory provision or principle of natural justice.

11. I have heard learned counsel for the parties and perused the material available on record.

Analysis

12. The principal grievance of the petitioner pertains to fixation of seniority and denial of promotion to the post of Superintendent. The claim of the petitioner rests essentially on the premise that his seniority ought to be determined on the basis of his initial entry into service and continuous length thereof, and that the subsequent amendment to the Haryana Revenue Department Divisional Subordinate (Group-B) Service Rules, 1988 has been wrongly applied to his detriment. The said contention, however, does not merit acceptance.

13. It is not in dispute that pursuant to the amendment dated 22.08.2000 (Annexure P-6), a combined cadre comprising Deputy Superintendents and Personal Assistants was created for the purpose of promotion to the post of Superintendent. Once such a unified cadre came into existence, the inter se seniority of the members thereof was necessarily required to be determined in accordance with the applicable rules governing the said cadre. The record reveals that the seniority has been fixed on the basis of the date of promotion to the post of Deputy Superintendent/Personal Assistant, which is the relevant feeder post. In this view of the matter, the claim of the petitioner for determination of seniority on the basis of his initial appointment as Clerk or overall length of service is misconceived and contrary to the statutory scheme.

14. The contention that the amendment has been applied retrospectively so as to divest the petitioner of accrued rights is equally untenable. The amendment merely restructured the feeder cadre and provided for a common channel of promotion. The determination of seniority in the reconstituted cadre, on a rational and uniform basis, cannot be construed as retrospective deprivation of any vested right, particularly when no promotion had crystallized in favour of the petitioner prior to such amendment.

15. The argument regarding denial of promotion despite recommendation also does not advance the petitioner's case. A mere recommendation does not confer any indefeasible right to promotion. It is evident from the record that at the relevant point of time, the petitioner did not fulfill the requisite eligibility conditions, including the prescribed length of experience, and therefore could not be considered for promotion. Furthermore, once the combined seniority list was finalized in accordance with the amended rules, the claim for promotion necessarily had to be considered in order of such seniority, wherein the petitioner was admittedly placed below respondents No. 6 and 7.

16. As regards the plea of violation of principles of natural justice, the record indicates that a tentative seniority list was duly circulated and objections were invited. The petitioner availed of the said opportunity and his representation was considered. The subsequent revision of the seniority list was undertaken in compliance with binding Government instructions dated 14.10.1999 (Annexure P-4), which mandate that accelerated promotion under reservation does not carry consequential seniority and that feeder cadre seniority is to be maintained. In such circumstances, the mere fact that the revised list altered the position of the petitioner does not render the process arbitrary or illegal.

17. Significantly, the law is well settled that accelerated promotion granted under the policy of reservation does not automatically translate into accelerated consequential seniority. The Government instructions relied upon by the respondents are in consonance with the law laid down by the Supreme Court, and the action of the respondents in aligning the seniority position accordingly cannot be faulted.

Conclusion

18. In the absence of any violation of statutory rules or constitutional provisions, and in view of the fact that the seniority list dated 24.04.2003 (Annexure P-12) has been prepared on a reasonable and legally sustainable basis, no case for interference in exercise of writ jurisdiction is made out. The impugned action cannot be said to be arbitrary, discriminatory, or vitiated by mala fides.

19. Consequently, the writ petition, being devoid of merit, is hereby dismissed.

20. Pending applications, if any, stand disposed of.

25.02.2026

Sham

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No