



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

CWP-12216-2026 (O&M)
Date of Decision : 23.04.2026

VIKAS KUMAR

.....Petitioner

VERSUS

UNION OF INDIA AND OTHERS

.....Respondent

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. D.S Patwalia, Senior Advocate with
Ms. Rishu Bajaj, Advocate
for the petitioner.

Ms. Promila Nain, Senior Panel Counsel with
Mr. Ish Karan Singh Chhabra, Central Government Counsel
for the respondent No.1-Union of India.

Mr. Avinit Avasthi, Additional Standing Counsel with
Mr. Brijeshwar Vashisht, Junior Panel Counsel
for respondent Nos.2 to 4.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the order dated 26.11.2025 (Annexure P-1) passed by the Central Administrative Tribunal (for short "Tribunal") in OA No.60/00978 of 2025, which OA was filed for setting aside the order dated 28.08.2025 passed by the Estate Office, U.T., Chandigarh, by which the petitioner has been reverted to the post of Junior Assistant and further to the post of Clerk due to the fact that he is being treated as part of the Common Cadre Rules known as Chandigarh Administration Group 'C' (Clerk and Steno-Typist) (Common Cadre) Recruitment Rules, 2015, which Rules have been wrongly made applicable vide Notification dated 29.05.2015 to Group-C employees (Clerks and Stenos)/Junior Assistant in the Estate Office.

2. Learned Senior Counsel for the petitioner submits that while working on the post of Clerk, the petitioner got promotion to the post of Junior Assistant vide order dated 13.05.2022, and further vide Departmental Promotion Committee held on 24.07.2024, he was conditionally promoted to the post of Sub-Inspector, which promotion was withdrawn vide order dated 28.08.2025 on fulfilment of condition that an employee senior to the petitioner, who was facing departmental proceedings and was superseded, which pendency of the departmental proceedings was the reason for the grant of said promotion to petitioner, which employee was later on exonerated of the allegations alleged against him and in order to adjust such employee over and above the petitioner, such employee being senior to the petitioner, the petitioner was reverted to the post of Clerk. After such reversion to the said post of Clerk, the petitioner was made the part of the Common Cadre Rules, 2015 and was posted in the Department of Police, as a Clerk.

3. The challenge raised by the petitioner before the Tribunal against action of the respondent whereby he has been treated as the part of the Common Cadre Rules, 2015 has been negatived by the Tribunal while passing the impugned order dated 26.11.2025 (Annexure P-1) to hold that all the Group-C employees, who were working on Group-C posts at the time when the 2015 Rules were promulgated, are to be treated as a part of the Common Cadre Rules, 2015.

4. Learned Senior Counsel for the petitioner argues that even if the Common Cadre Rules, 2015 are to be made applicable upon the petitioner and other employees, the same has to be implemented in a manner so that

same does not result in loss of seniority, allowance or promotion admissible to such employees. Learned counsel further submits that however, by bringing petitioner into the Common Cadre Rules, 2015, other employees falling in same class and working in other department, who became part of Common Cadre Rules, 2015, such employees, who got promotion to Group-C post prior to petitioner. have been treated as senior, and in the seniority list the petitioner has been brought down, therefore, the said act of the respondent is contrary to the Notification issued by the Ministry of Home Affairs dated 29.03.2022, which has not been appreciated by the Tribunal in the correct perspective.

5. We have heard learned Senior counsel for the petitioner and have gone through the records of the present case with his able assistance.

6. Once there is no challenge to the Rules/Notification by which the cadre of Clerks working with the Chandigarh Administration was brought into a Common Cadre to be governed by Common Cadre Rules, 2015 irrespective of the Department in which such Group-C employees were working, the petitioner has to be treated as a part of the Common Cadre Rules. Merely because prior to promotion of the petitioner, though the 2015 Rules were already in operation, but a joint seniority list, as per 2015 Rules, was not framed, same will not entitle the petitioner to contend that even after reversion from the post of Sub Inspector to that of a Junior Assistant and further to the post of Clerk, the petitioner will have a right to continue on the said post in the Estate Office only, where he was working as per 2015 Common Cadre Rules, and he cannot be transferred to other department, which transfer is permissible under Common Cadre Rules, 2015, to which all the Group-C employees have been made subject to.

7. Once it is a conceded fact that after the promulgation of the 2015 Rules, i.e. Common Cadre Rules, any employee working on post of Clerk who is working in particular department, can be transferred to another Department of U.T., Chandigarh which was covered by 2015 Rules, and similar action has been taken qua other employees working on post of Clerks who have been working in the Estate Office hence, the petitioner cannot claim exemption from such action or from being governed by the Common Cadre Rules, 2015. Hence, treating the petitioner as part of the Common Cadre, which is the only Common Cadre available as per the 2015 Rules, and which action has been upheld by the Tribunal, needs no interference at the hands of this Court.

8. The second argument raised by learned Senior Counsel for the petitioner is that the seniority which has been fixed by the Department upon his reversion to the post of Junior Assistant and further to the post of Clerk is causing prejudice and is contrary to the Union Territory of Chandigarh Employees (Conditions of Service) Rules, 2022. Rule 2(2) is being brought into operation to contend the same, which is as under:-

“2(2) Notwithstanding anything contained in sub-rule (1), a person appointed to the services and posts under the administrative control of the Administrator of the Union Territory of Chandigarh shall be subject to transfer from one Department to another Department so long as such transfer does not adversely affect the pay and allowances, seniority or promotion and all other financial benefits as applicable to such persons.”

9. A bare perusal of the above would show that the same is only with regard to pay/seniority/promotion and other benefits applicable to such persons. The Common Cadre seniority has to be prepared on the basis of continuous length of service, and once a common seniority of all the Clerks

is to be prepared on that basis, it cannot be said that such seniority is causing prejudice or the same is incorrect.

10. Further, benefit of promotion is to be given on the basis of seniority; hence, merely because the petitioner happened to have a different seniority prior to the promulgation of the Common Cadre Rules while working in a particular Department of the Chandigarh Administration, same will not give him a right to claim such seniority for further promotion after the promulgation of the 2015 Rules. Seniority has been prepared as per 2015 Rules on the basis of continuous length of service in a Cadre by an employee hence any Clerk having more service than the petitioner in the said Cadre has to be treated as senior.

11. Keeping in view the totality of the circumstances, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

12. Present petition stands dismissed.

13. Pending application(s), if any, shall stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

23-04-2026
Sapna Goyal

(DEEPAK MANCHANDA)
JUDGE

NOTE: Whether speaking/ reasoned: YES
Whether reportable: NO