



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

204

CWP-14539-2000 (O&M)

Date of decision: 24.02.2025

Sadhu Ram

...Petitioner

Versus

State of Punjab and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner

Ms. Shruti, AAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. The prayer made in the present petition is for quashing the office order dated 11.05.1999 granted seniority to a Legal Assistant.
2. Learned State counsel refers to para 3 of the preliminary submissions and 6 on merits of the written statement dated 04.05.2001 filed by Assistant Director (Ind.-I), Department of Industries and Commerce, Punjab, which has not been rebutted by filing any replication and read thus:

“ 3. That the respondent No.3 and 4 have been assigned seniority in feeding cadre i.e. Clerks at Sr. No.187 and 176 issued on 26.2.97 (Annexure R-2). This shows that the respondent are senior to the petitioner. However it may be stated that the petitioner was promoted to the post of Assistant earlier than the respondent No.4 by giving him the benefit of reservation policy.

6. In reply to this para it is submitted that two posts of Supdt. Grade-II (General Category) lying vacant and the same will be filled up by promotion from the feeder Class as of Senior Assistant/Legal Assistant-Assistant-cum-Accountant, Auditor-cum-Assistant Research Assistant as contained in Rules 9(b) (I). The representation of the petitioner (P-5) was rejected after due consideration of the same. He had sought his promotion to the post of Supdt. Grade-II by interpreting the rule 9 (b) (I) in his favour by considering him in a separate

cadre of Legal Assistant, which is against the spirit of provisions of the rules. It is however, admitted that the petitioner is senior most legal Assistant in the higher scale of pay i.e. 6400-10640, which is equivalent to the post of Supdt. Grade-II, the post on which, he is seeking promotion.”

3. Disposed of, reserving the petitioner with a liberty to approach the Department, in case need arises.

(AMAN CHAUDHARY)
JUDGE

24.02.2025

M.Kamra

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