

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COCP-2135-2008 (O&M)
Date of decision: 10.03.2023

Harjit Singh Bawa

... Petitioner

Vs.

Suresh Kumar and ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Kapil Kakkar, Advocate
for the petitioner.

Mr. Teevar Sharma, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

The petitioner alleges violation of the order dated 13.05.1999, vide which, while deciding the writ petition, following directions were issued: -

“We have heard counsel for the parties at length. There is no gain saying the fact that the department has not prepared any effective seniority list of PSE Class-II officers since 1982 and the one prepared in 1982 has by efflux of time become irrelevant because almost all officers named therein have either been promoted to Class-II service or to Class-I service as Executive Engineers and then within Class-I service as Superintending Engineers and Chief Engineers. These promotions have necessarily to be made on the

basis of seniority of members of Class-II service and for this seniority of all officers of Class-II service has to be determined and a list prepared accordingly. In the absence of any such list the promotions made are bound to be arbitrary and the petitioners have given some instances where temporary Engineers who were junior to them have been promoted to Class-I service and have retired as Chief Engineers/Superintending Engineers. It is, therefore, necessary that the department should finalize the list which is lying with it since April, 1991. We, therefore, direct respondents No.1 to 3 to finalise the seniority list, which was prepared in April, 1991 and notify the same in accordance with law within two months from the date of receipt of a copy of this order. The respondents will then make promotions to Class-I service in accordance with that list and the Rules governing the service. We also direct these respondents to further update that list within six months thereafter.

The writ petition stands disposed of as above.”

Successive affidavits were filed by the respondents with regard to finalization of the seniority list. On 07.11.2019, a direction was issued to learned State counsel to file a copy of notification of the approved seniority list.

Learned State counsel, on the basis of affidavit of Chief

Engineer/Canals, Department of Water Resources, Punjab, submits that seniority list dated 13.09.2020 was issued and notified on the basis of Rules and directions contained in the judgment dated 13.05.1999 passed by this Court, therefore, claim of the petitioner is not admissible. Copy of the seniority list of PSE Class-II is attached as Annexure R-1.

In view of the above, no willfull disobedience is made out.

Dismissed.

Liberty is granted to the petitioner to avail the alternative remedy, in accordance with law.

10.03.2023
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No