

2025:PHHC:061785



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

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**CWP-14526-2022 (O&M)
Date of Decision: 08.05.2025**

JITENDER KUMAR AND ANOTHER

... Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Saurabh Bajaj, Advocate
for the petitioners.

Mr. Tapan Kumar, DAG, Haryana.

Mr. Vijay Pal, Advocate
for the applicant-proposed respondent No.5.

VINOD S. BHARDWAJ, J. (ORAL)

**CM-19977-CWP-2022,
CM-8839-CWP-2023,
CM-8841-CWP-2023 and
CM-4533-CWP-2025**

The first application has been filed for seeking stay on the proceedings of file No.4/17/2021 and restraining the respondents from promoting any junior engineer as per the existing seniority list.

The second application has been filed for seeking impleadment of one Raja Bhai Pandey as respondent No.5 in the main petition.

The third and fourth applications have been filed for seeking vacation of stay/interim order dated 31.01.2023 (Annexure A-1).

Since the main case is being taken up today itself for final disposal, all the abovementioned applications are hereby disposed of as having been rendered infructuous.

CM-6516-CWP-2023 & CM-8842-CWP-2023

Both these applications have been filed for placing on record the copy of written statement on behalf of respondent No.5-Raja Bhai Pandey, alongwith Annexures.

Since the main application for impleading the said Raja Bhai Pandey as respondent No.5 has already been disposed of as infructuous, the instant applications also stand disposed of as having been rendered infructuous.

MAIN CASE

The instant writ petition has been filed for seeking directions to the respondents to promote the petitioners from the post of JE (Electrical) to the post of Sub Divisional Engineer (Electrical) under the degree category and further as per the provisions of Rule 6 of Punjab Service of Engineers Class-II PWD (B&R Branch) Rules, 1965 and in view of the seniority list issued by the respondents on 26.03.2021 (Annexure P-10).

A reply had been filed by the respondents wherein they have specifically averred that the Competent Authority has taken a decision to re-fix the seniority list of JE (Electrical), who were/are to be considered to the post of SDE (Electrical) against the post reserved for the degree quota as per Rules. It is further averred that the seniority is to be fixed keeping in view the date of acquiring the degrees and the concerned Authority has given a

direction to the EIC office to prepare seniority list in this regard and hence, the seniority list issued on 26.03.2021 (laying the foundation of the claim of the petitioners herein) cannot be taken into consideration.

The learned Counsel, on instructions from Kuldeep Kharab, DDA, PWD (B&R), further contends that no process of promotion to the post of SDE (Electrical) from amongst the JE (Electrical) in any of the quota is being initiated till the seniority list is finalized by the respondent-Authority in terms of the directions issued by the EIC office.

Since the prayer of the petitioners was itself to promote them on the basis of seniority list dated 26.03.2021, which the respondent-Authorities themselves are not inclined to accept and are in the process of re-fixing the seniority list, I am of the opinion that the present prayer at this stage cannot be accepted. The petitioners shall have the cause of action, if any, on finalisation of the seniority list and the rights that may emanate as a result therefrom.

The present writ petition is accordingly disposed of at this juncture since no further directions would be required to be issued in the present set of circumstances.

Liberty is, however, granted to the aggrieved parties to file appropriate petition(s) as and when a final decision is taken by the respondent-Authorities on the seniority of the Junior Engineers. The respondents shall, however, remain bound by the statement made hereinabove by the learned State Counsel that no promotion(s) to the post of

SDE (Electrical) shall be made till the seniority list in question is finalized by them.

All other misc. application(s), if any, also stand(s) disposed of accordingly.

MAY 08, 2025.

Rajender

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No