



LPA-513-2017 (O&M)

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

(213)

LPA-513-2017 (O&M)

Date of Decision : 23.07.2025

Shish Pal Singh and others

...Appellants

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. R. K. Malik, Sr. Advocate with
Mr. Varun Veer Chauhan, Advocate
for the appellants.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Ranjit Saini, Advocate
for respondents No.3, 5, 6, 11, 12 and 13.

Mr. Nandan Kumar, Advocate for
Mr. Anjum Ahmed, Advocate
for respondent No.8.

Mr. Sanjiv Gupta, Advocate
for respondents No.30 and 31.

ASHWANI KUMAR MISHRA, J. (ORAL)

1. This letters patent appeal arises out of judgment and order dated 27.02.2017, as passed by the learned Single Judge, in CWP-5382-1995. Learned Single Judge has allowed the said writ petition, filed by the respondents-petitioners. The seniority list prepared by the State, on 24.03.1995, is declared illegal and accordingly quashed.

2. Facts giving rise to filing of present appeal are that a composite recruitment was undertaken by the Haryana State Service Commission, for appointing persons to the post of Clerks, as well as Steno-typists. The cadre of



Clerks, and Steno-typists was distinct. A composite seniority list was however prepared by the State, on 24.03.1995. Learned Single Judge has come to the conclusion that since post of Clerks vis-à-vis post of Steno-typists was distinct, as such, a composite seniority could not have been prepared. A direction has therefore been issued to prepare the seniority list cadre-wise, strictly in the order of merit, at the time of their selection. Further direction has been issued that on the basis of such seniority list, as drawn by the State, further promotion be made to the higher post of Assistant, from the cadres i.e. Clerical cadre and the cadre of Steno-typists, as per the relevant rules.

3. The directions contained in the judgment of the learned Single Judge, are not shown to be inconsistent with the applicable rules. Admittedly, the cadre of Clerks and Steno-typists are separate and distinct. *Inter se* seniority within the cadre of Clerks as well as cadre of Steno-typists will have to be determined, with reference to the merit of persons falling in each cadre. The attention of this Court has also been invited to a circular issued by the State, on 05.04.1971, which specifically provides that *inter-se* seniority based upon one selection would be on the strength of respective merit. The direction issued by the learned Single Judge, to determine the seniority of two separate cadres, in accordance with merit, separately, therefore, requires no interference.

4. Further direction of learned Single Judge to prepare seniority list of each cadre and thereafter prepare a combined seniority list with reference to length of service in the respective cadre has to be read in the context of the relevant Rules providing for promotion to the post of Assistant. The respondents after preparation of separate seniority list in the feeding cadre of Clerks and Steno-typists will prepare the promotion list, as per relevant Rules,



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and extend the benefit to the respondents from the date their juniors have been granted such benefits. The benefit of promotion, however, will be available against available vacancy on the post of Assistant.

5. It goes without saying that the State shall now proceed to determine the seniority, in terms of judgment of learned Single Judge, based upon the *inter se* merit of candidates in the cadres of Clerks and Steno-typists, separately.

6. Appeal is **disposed of** accordingly.

7. Pending miscellaneous application(s), if any, also stands disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(KULDEEP TIWARI)
JUDGE

July 23, 2025
Manpreet

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