



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 247)**

(1) CWP No. 9655 of 2020 (O&M)
Date of Decision : 06.05.2025

Brahamjit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

(2) CWP No. 17259 of 2019 (O&M)

Ranjiv Kumar Singla and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(3) CWP No. 11982 of 2020 (O&M)

Jaswant Singh Grewal and others

...Petitioners

Versus

State of Punjab and others

...Respondents

(4) CWP No. 1304 of 2020 (O&M)

Ramesh Kumar Chopra

...Petitioner

Versus

State of Punjab and others

...Respondents

(5) CWP No. 18959 of 2019 (O&M)

Arvind Kalra

**CWP No. 9655 of 2020 (O&M) and
other connected cases**

2025:PHHC:059616



2

...Petitioner

Versus

State of Punjab and others

...Respondents

(6)

CWP No. 18977 of 2019 (O&M)

Charanjit Pal and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. Abhijeet Singh Rawaley, Advocate for the petitioner(s)
in CWP-9655-2020.

Mr. Gurvinder Pal Singh, Advocate for
Mr. P.S. Khurana, Advocate for petitioner No. 2
in CWP-17259-2019.

Mr. Sarthak Gupta, Advocate for the petitioner(s)
in CWP-11982-2020.

Mr. Manjit Singh Uppal, Advocate for the petitioner(s)
in CWP-1304-2020.

Ms. Akshita Chauhan, Deputy Advocate General, Punjab.

Mr. D.S. Patwalia, Senior Advocate with
Mr. Gaurav Rana, Advocate
for respondent No. 3 in CWP-9655-2020,
for respondents No. 4 and 5 in CWP-11982-2020,
CWP-17259-2020 and CWP-1304-2020.

Harsimran Singh Sethi J. (Oral)

CM-12178-CWP-2021 in CWP-9655-2020



As the main petition is listed for hearing today, the present application seeking preponement of the date of hearing of the writ petition has become infructuous.

CWP-9655-2020, CWP-17259-2019, CWP-11982-2020, CWP-1304-2020, CWP-18959-2019 and CWP-18977-2019

1. In the present bunch of six petitions, the details of which are mentioned in the heading, the challenge is to the seniority list dated 26.04.2019 by which, according to the petitioner(s), the candidates, who were promoted to the post of Sub Divisional Engineer by grant of reservation, have again been shown senior to the General Category Candidates ignoring the judgment of the Hon'ble Supreme Court of India in Civil Appeal No. 3792-3794 of 1989 titled as *Ajit Singh Januja and others versus State of Punjab and others*, decided on 01.03.1996, hence, the said seniority list is liable to be set-aside by declaring the petitioner-employees who were senior to the private respondents in the Cadre of Junior Engineer, to be again declared senior in the Cadre of Sub Divisional Engineer as the petitioner-employees had caught the private respondents who were promoted by giving them the benefit of reservation in the promoted Cadre of Sub Divisional Engineer.

2. Learned senior counsel appearing on behalf of the petitioner-employees argues that the seniority list dated 26.04.2019 has been framed ignoring the settled principle of law in *Ajit Singh Januja's case (supra)* coupled with the facts of the present case, wherein, concededly the petitioner-employees are senior to the private respondents in the Cadre of Junior Engineer and they had caught the private respondents in the Cadre of



Sub Divisional Engineer and should have been declared senior to them for all intents and purposes including further promotion to the post of Executive Engineer.

3. Upon notice of motion, the respondents have appeared and filed the reply.

4. Learned counsel appearing on behalf of the respondent-State submits that the assertion which has been made by the petitioner-employees to claim seniority over and above the private respondents in the Cadre of Sub Divisional Engineer is without appreciating the rules which govern the promotion to the post of Sub Divisional Engineer known as Punjab Service of Engineers (Civil Wing), Department of Public Works (B&R) Group 'A' Service Rules, 2005 as amended from time to time (Annexure P-6).

5. Learned counsel for the respondent-State submits that according to 2005 Rules, separate quota has been provided for different categories for promotion to the post of Sub Divisional Engineer from the Cadre of Junior Engineers. Learned State counsel submits that out of 100% post of Sub Divisional Engineer, only 50% are to be filled by way of promotion and 50% by direct recruitment keeping in view the subsequent amendment to the 2005 Rules. Learned counsel for the respondents further submits that out of 50% for promotion, 33% are to be filled from the Junior Engineers working under the control of the Chief Engineer, who possesses a qualification of diploma Engineering in (Civil) and have minimum of 10 years experience. Further, 15% are to be filled from the Junior Engineers who are working under the control of Chief Engineer who possesses the Degree in Engineering in Civil



or the Degree in AMIE and has a working experience of minimum three years after obtaining the said Degree. 2% are to be filled from the Circle Head Draftsmen and Divisional Head Draftsmen, who possesses the Degree in Engineering in Civil or the Degree of AMIE and have experience of minimum two years. The other qualification is that the candidates who are seeking promotion to the post of Sub Divisional Engineer should have passed the departmental examination.

6. Learned State counsel further submits that all the petitioner-employees belong to the Diploma Holder Quota as they do not have Degree to their credit, whereas the private respondents were promoted as Sub Divisional Engineer under 15% Degree Holder Quota for which petitioner-employees are not even eligible and, therefore, as both the parties belong to the different Quota for promotion to the post of Sub Divisional Engineer, there was no inter se seniority for promotion so as to claim supersession by way of promotion even if the private respondents belong to the reserved category of Schedule Caste. Hence, the benefit of seniority has been given from the date of actual promotion as the present case was not covered by the judgment in *Ajit Singh Januja's case (supra)*.

7. Learned senior counsel appearing on behalf of the private respondents submits that once different quotas have been provided for promotion and the private respondents were promoted in the Degree Holder Quota for which the petitioner(s) are not eligible, there is no question of supersession as the supersession can only be treated where the senior employee is eligible and he has been superseded by a junior reserved



category candidate in the same quota. Learned senior counsel for the private respondents further submits that even if the private respondents had not been promoted in the Degree Holder Quota, the petitioner-employees who are Diploma Holder cannot claim promotion against the said post in 15% quota for Degree Holders hence, question of supersession does not arise so as to claim seniority over and above the petitioner-employees in the Cadre of Sub Divisional Engineer.

8. I have heard learned counsel for the parties and have gone through the record with their able assistance.

9. The question which arises in the present petitions is whether there was a supersession by the private respondents, who were junior to the petitioner-employees by way of reservation so that the claim of the petitioner-employees could be considered under *Ajit Singh Januja's case (supra)* for granting them seniority in the Cadre of Sub Divisional Engineer.

10. A bare perusal of the above mentioned fact would show that for promotion to the post of Sub Divisional Engineer, there are different quotas provided for different categories. Diploma Holders have a different category whereas the Degree Holders have a different category and are only eligible to 15% of the post to be filled by way of promotion. The 2% posts are to be filled by the Circle Head Draftsmen or Divisional Head Draftsmen having Degree.

11. Once separate quota has been provided, the posts have been earmarked for the separate quota. Once, the petitioner-employees do not belong to the Degree Holder Quota for which 15% posts are reserved and it



is a conceded fact that the private respondents were promoted as a Degree Holder in their own quota of 15% vide which quota petitioner-employees were not even eligible to be promoted as Sub Divisional Engineer, the claim that the petitioner-employees have been superseded by the private respondents is not at all correct.

12. Though, the private respondents belong to the reserved category of Schedule Caste but once they are being considered in a category for which the petitioner-employees are not eligible, the petitioner-employees cannot claim any supersession by the private respondents while effecting promotion to the post of Sub Divisional Engineer.

13. Further, the petitioner-employees are not eligible for promotion to the post of Sub Divisional Engineer against 15% quota. Once the petitioner-employees are not eligible for promotion in a Degree Holder Quota for which 15% posts have been reserved which quota was utilized by the respondent-State to give promotion to the private respondents as Sub Divisional Engineer, the claim that the petitioner-employees have been superseded is incorrect.

14. In case, the plea of the petitioner-employees are to be accepted then, even all the General Category Junior Engineers who have been promoted in 15% quota but were junior to the petitioner-employees in the Cadre of Junior Engineer will also be deemed to be in supersession of the petitioner-employees, which cannot be accepted.

12. Learned counsel appearing on behalf of the petitioner-employees concedes that any General Category Candidate who is promoted



in 15% quota i.e. Degree Holder Quota and was junior to the petitioner-employees in the Cadre of Junior Engineer, is not supersession of the Junior Engineer, who are only eligible for promotion in the 33% quota reserved for the Diploma Holder. Once, the petitioner-employees accept the same, how can a Reserved Category Candidate being promoted under 15% quota which belongs only to Degree Holder under which none of the petitioner-employees is eligible, they can claim supersession at the hands of the private respondents so as to gain seniority.

13. Learned senior counsel appearing on behalf of the petitioner-employees places reliance upon paragraph 16 of the judgment in *Ajit Singh Januja's case (supra)*. It may be noticed that the said judgment is on the basis that a General Category Candidate who is eligible for promotion is superseded by a Reserved Category Candidate and had, the Reserved Category Candidate not been promoted, the posts would have been filled from the said General Category Candidate.

14. Under these circumstances, the benefit of catch up rule was given whereas, the petitioner-employees are ignoring the fact that against 15% posts reserved for the Degree Holder Quota for promotion to the post of Sub Divisional Engineer, no Diploma Holder is eligible hence, once a Diploma Holder Junior Engineer is not eligible for promotion under the 15% quota, how can the said Junior Engineer claim supersession at the hands of the Degree Holder which is entirely a different category envisaged under rules for promotion to the post of Sub Divisional Engineer.



15. The claim of supersession and consequent claim of seniority in *Ajit Singh Januja's case (supra)* in the facts and circumstances of the present case is not at all made out. Once, the petitioner-employees were promoted in the Diploma Holder Category, the said promotion is to be taken from the said date and Junior Engineer who is promoted in the Degree Holder Quota, the said promotion is on different footing keeping in view the rules governing the service.

16. *Ajit Singh Januja's case (supra)* will only be applicable in case any Degree Holder Junior Engineer who was awaiting his promotion, is superseded by a Degree Holder Schedule Caste then when the said General Category Degree Holder will be promoted, he will regain seniority over and above the Schedule Caste Degree Holder who has superseded him, whereas the facts are totally different in the present case as the Diploma Holders, who are not eligible even for promotion under the 15% quota of the Degree Holder under which the private respondents were promoted, are claiming supersession which is not made out in the facts and circumstances of the present case.

17. Keeping in view the totality of the circumstances, the seniority which has been framed by the respondents keeping in view the respective promotion in the different Quotas, which are envisaged under Rules for promotion to the post of Sub Divisional Engineer qua the Diploma Holder and Degree Holder, the seniority framed is perfectly valid and legal.

18. As the seniority has been upheld, any promotion made on the basis of the seniority, are deemed to be valid and are also upheld.



19. The writ petitions are accordingly dismissed.
20. Pending miscellaneous application, if any, also stands disposed of.
21. A photocopy of this order be placed on the file of connected cases.

May 06, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No