



IN THE HIGH COURT OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP-6866-2025 (O&M)

Reserved on : 11th of July, 2025

Date of Decision: 14th of July, 2025

SIVAGANESH, SERVICE No.15574851W HAV. (SKT)

NOW JC-357120W NB/SKT

.....Petitioner(s)

V/s.

UNION OF INDIA AND OTHERS

.....Respondent(s)

CWP-17610-2025 (O&M)

UNION OF INDIA AND OTHERS

.....Petitioner(s)

V/s.

SERVICE No.15574851W HAV. (SKT) SIVAGANESH AND ANOTHER

.....Respondent(s)

CORAM: **HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA**
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr.Rajesh Sehgal, Advocate
for the petitioner in CWP-6866-2025 and
for respondent No.1 in CWP-17610-2025.

Ms. Geeta Singhwal, Senior Panel Counsel, UOI,
for the petitioners in CWP-17610-2025.

Mr. Parvesh K. Saini, Senior Panel Counsel, UOI
for respondents No. 1 to 5 in CWP-6866-2025.

SANJEEV PRAKASH SHARMA, J.

1. These are the two Writ Petitions which were heard together. While CWP-6866-2025 was preferred by aggrieved petitioner-Sivaganesh on account of non-implementation and execution of order dated 17.03.2023 passed by the AFT, whereas, CWP-17610-2025 was filed by the UOI assailing the same order dated 17.03.2023.

2. When CWP-6866-2025 came up before this Court, we had noticed that execution petitions are pending before the AFT and before this Court for implementation of the orders and we further directed the Senior



Record Officer, Incharge-BEG, Kirkee (Pune) vide order dated 26.05.2025 to identify the concerned responsible Officer for granting the promotions and ensured compliance.

3. Without informing the Court of order dated 26.05.2025, when CWP-17610-2025 filed by UOI came up before this Court, it was argued on merits and we pass an order on 01.07.2025, restraining the implementation of the order dated 17.03.2023 passed by the AFT.

4. Learned counsel for the appearing on behalf of the respondent-Sivaganesh in CWP-17610-2025, who was the counsel for the Writ petition in CWP-6866-2025, has requested for listing both the cases together. We, therefore, had directed to hear these cases together on 11.07.2025.

5. Learned counsel for the UOI assails order dated 17.03.2023 stating that the Sivaganesh could not have been granted seniority w.e.f. 20.01.2009 as he completed the training only on 21.07.2009 and if he is granted seniority, he would march over the other persons.

6. *Per contra*, learned counsel appearing for the petitioner-Sivaganesh in CWP-6866-2025 submitted that the counsel for the UOI had consented and took a specific plea that the UOI would have no objection if the seniority is given to the petitioner-Sivaganesh w.e.f. 2009 below the direct recruited candidates, who passed the training course with petitioner-Sivaganesh. He submits that the direct recruits, who passed the training course with the applicant, were granted the seniority from the date of their initial appointment i.e. 2008. Since, the petitioner-Sivaganesh had been re-mustered as a Store Keeper Technical (SKT) on 20.01.2009, though he



completed his training in July 2009, he was to be granted seniority from the date of his initial appointment as SKT i.e. 20.01.2009. He, therefore, submits that there was no occasion to interfere with the order passed by the AFT.

7. We have carefully considered the submissions of learned counsel and looked into the facts of the case and the impugned judgment dated 17.03.2023 passed by the AFT.

8. It is noticed that petitioner-Sivaganesh was enrolled initially as a Cook w.e.f. 25.12.2003 and was re-mustered as SKT w.e.f. 20.01.2009. After having been re-mustered, he was sent for training which he completed on 21.07.2009.

9. On a pointed query to the learned counsel for the UOI, we find that the seniority is being assigned from the date a person joins the post of SKT. The training may be imparted much later, but, so far as the seniority is concerned, it would be from the date the concerned person was either directly recruited or placed on the muster roll in the trade of SKT.

10. In the circumstances, while the petitioner-Sivaganesh had imparted training and he completed the training on 20.07.2009, he would be entitled to claim his seniority from the date the post has been enrolled i.e. 01.01.2009.

11. It is an admitted position, that all those persons, who had been imparted training along with petitioner-Sivaganesh and had been directly recruited prior to petitioner-Sivaganesh having been enrolled, were granted



seniority from the date they joined the service and not from the date their training was completed.

12. The contention of learned counsel for the UOI, is, therefore, found to be unjustified and not sustainable in law. The seniority is to be granted from the date of joining. Accordingly, the impugned order dated 17.03.2025 passed by the AFT does not warrant any interference.

13. In view of the order aforesaid order passed by us, we direct the implementation of the impugned order dated 17.03.2023 to be done within a period of one month. No further time shall be granted and if the order is not implemented, the contempt proceedings can be initiated by the concerned Writ Petitioner in CWP-6866-2025.

14. Accordingly, CWP-6866-2025 stands disposed of and CWP-17610-2025 is dismissed in the aforesaid terms.

15. All pending applications in these cases are disposed of accordingly.

[SANJEEV PRAKASH SHARMA]
JUDGE

[MEENAKSHI I. MEHTA]
JUDGE

July 14, 2025

Ess Kay

Whether speaking / reasoned : Yes / No
Whether Reportable : Yes / No