



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

211

CWP-7369-2019

Date of Decision: 26.08.2025

NARINDER PAL SINGH

...Petitioner

Versus

CENTRAL ADMINISTRATIVE TRIBUNAL, CHANDIGARH BENCH  
AND ORS

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI  
HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. Manu K. Bhandari, Advocate, (through V.C.)  
for the petitioner.

Mr. Arvind Moudgil, Senior Panel Counsel,(Through V.C.)  
with Ms. Isha Bhukal, Advocate, for respondent No.2.

Mr. Sanjeev Ghai, Advocate, for respondent Nos.3 and 4.

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**HARSIMRAN SINGH SETHI, J. (ORAL)**

1. In the present petition, the challenge is to the order dated 24.12.2018 (Annexure P-4) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by which, the claim of the petitioner that while working on the post of Guide with the Government Museum and Art Gallery, Sector 10, Chandigarh, the said post got merged with the cadre of Clerk and the benefit of pay-scale of the post of Guider-cum-Clerk has been declined and that too, without appreciating the actual facts, which is causing him prejudice.

2. Learned counsel appearing on behalf of the petitioner submits that the instructions dated 15.04.1991 was issued for the merger of the



isolated category of posts with the ministerial posts so as to give the employees further opportunity to grow in the service career but the benefits were not given, though after the decision of the Chandigarh Administration, even the Government Museum and Art Gallery, Sector 10, Chandigarh, vide order dated 17.01.2002 redesignated the post held by the petitioner as Guide-cum-Clerk. Learned counsel submits that despite claiming the benefits after redesignation in the cadre of Clerk as Guide-cum-Clerk, the same were being not extended for the reasons best know to the respondents and the petitioner approached the Tribunal for the grant of benefits of the parity of pay-scale by treating him as member of the cadre of Clerk after the post of Guide was merged into the said cadre of Clerk, but the Chandigarh Administration retracted its stand by the order dated 07.12.2018 (Annexure P-3) that no such merger or demerger took place of the cadre of Guide with that of the Clerk and the original application filed by the petitioner was dismissed vide order dated 24.12.2018 (Annexure P-4) giving liberty to challenge the order dated 07.12.2018.

3. Learned counsel for the petitioner submits that once, all the required process was completed qua the merger of the post of Guide with that of Clerk, the same could not have been retracted and therefore, the order passed by the Tribunal dated 24.12.2018 be set aside and the petitioner be treated as a part of the cadre of Clerk for all intents and purposes from the date he joined the post of Guide with further promotion in the cadre.

3. Learned counsel appearing for the respondents submits that



though the post of Guide was redesignated as the post of Guide-cum-Clerk, but the same was never made part of the cadre of Clerk as the rules governing the service were never amended so as to include the post of Guide in the cadre of Clerk at any given point of time and keeping in view the clarification given by the Chandigarh Administration on 07.12.2018, there was no merger of the cadre of Guide with that of Clerk, the claim being raised by the petitioner that he is to be treated to be as a part of cadre of Clerk is incorrect. Learned counsel submits that the Tribunal passed the order after appreciating the issue and gave the liberty that in case the petitioner is aggrieved against the order dated 07.12.2018, he can avail the appropriate remedy but no such remedy has been availed by the petitioner hence, the present claim of the petitioner that he should be treated as part of the cadre of Clerk, may be declined.

4. We have heard learned counsel for the parties and have gone through the record of the case with their able assistance.

5. The claim of the petitioner that the post of Guide was merged with that of Clerk is based upon the letter of the Chandigarh Administration, dated 19.10.2001 (Annexure A-3). The relevant part of the said letter is as under:-

“Approval is hereby conveyed in consultation with the Department of Personnel, Chandigarh Administration to redesignating the posts of Tehvildar and Guide as Tehvildar-cum-Clerk and Guide-cum-Clerk. However, the same will have to be duly incorporated in the Recruitment Rules after following



the prescribed procedure. Further action may be taken accordingly.”

6. A bare perusal of the above would show that the post of Guide was redesignated as Guide-cum-Clerk but the same was never made part of the cadre of Clerk for which direction was given to the institute to amend the rules suitably. It is a conceded case that even as of now, the rules governing the service have never amended so as to include the post of Guide in the cadre of Clerk so as to treat that the post of Guide stands merged in the cadre of Clerk so as to give the benefit of the parity of pay-scale to the petitioner by treating him as a part of the cadre of Clerk from the day he was appointed as a Guide. Till the service rules are amended, the claim of the petitioner that upon redesignation of the post of Guide to that of Guide-cum-Clerk, the same stands merged is incorrect. The merger can only take place upon the amendment of the rules and not by mere designation of the post.

7. Further, the letter dated 19.10.2001 has been clarified by the Chandigarh Administration on 07.12.2018, wherein the Chandigarh Administration has also stated that there is no merger or demerger of the post of Guide with that of Clerk as the same were never merged and the rules were never amended. Hence, the question of demerger of the post of Guide-cum-Clerk does not arise but the said order has gone unchallenged at the hands of the petitioner, meaning thereby the petitioner has accepted the same.

8. Further, the orders which are being relied by the learned counsel for the petitioner to support that there was a merger of the cadre of



Guide with that of Clerk and the same cannot be demerged is incorrect. Before merger, the rules have to be amended which were not amended and therefore, once there was no merger, the question of demerger does not arise.

9. Further, even if it is assumed for the sake of argument that the post of Guide was merged with that of Clerk, the seniority can only given from the date the post of Guide was merged with the cadre of Clerk, the petitioner cannot claim seniority over and above the Clerk who are already working in the said cadre. The claim of the petitioner that he has to be given seniority even in the allied cadre of Guide-cum-Clerk, from the date he was appointed as Guide, cannot be accepted to the disadvantage of the Clerks, who are already working in the said cadre.

10. Keeping in view the totality that the petitioner has already retired about seven years ago and that too, from the post of Guide, on which he continued working till retirement and was never made part of the cadre of Clerk, no ground is made out for any interference by this Court qua the order passed by the Tribunal dated 24.12.2018 (Annexure P-4).

11. The present writ petition is dismissed accordingly.

**( HARSIMRAN SINGH SETHI )**  
**JUDGE**

**( VIKAS SURI )**  
**JUDGE**

**August 26, 2025**

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Whether speaking/reasoned	Yes
Whether reportable	No

