

CM-28-CWP-2025 in/and
CWP-22987-2024

2025:PHHC:001751



1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(122+300)

CM-28-CWP-2025 in/and
CWP-22987-2024
Date of Decision : 09.01.2025

Gurmeet Singh and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nitesh Singla, Advocate for the petitioners.

Ms. Shruti, Assistant Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

CM-28-CWP-2025

Present application has been filed for placing on record written statement filed on behalf of respondents No. 1 to 5 along with Annexures R-1 to R-4.

Application is allowed and written statement filed on behalf of respondents No. 1 to 5 along with Annexures R-1 to R-4 is taken on record with all just exceptions.

CWP-22987-2024

1. In the present petition, the grievance being raised by the petitioners is that to the first 20% employees working in the Cadre of Technical Grade-I are entitled for certain benefits, which are not being extended to the petitioners only on the ground that certain retired employees



who were senior to the petitioners, are still being continued in the seniority list and the 20% quota is not being calculated qua the actual serving candidates, hence, the employees who are working in the Cadre of Technical Grade-I, who have already retired, be not taken into account for computing 20% quota who are entitled for certain benefits.

2. Learned counsel for the petitioners submits that while framing the seniority which is being taken into account, even the employees who have retired as on 01.01.2018 have been taken into account which is not correct as, the entitlement of the petitioners is from 01.01.2018 and only the employees who were serving on the said date, are to be taken even if the seniority list includes the retired employee for computing 20% of the serving employees.

3. Upon notice of motion, the respondents have filed the reply. The respondents have stated that the retired employees are not being taken into account for computing that strength of employees in the cadre concerned 20% and even if the retired employees have been shown in the seniority they will be excluded while computing the 20% Cadre strength of the serving employees as on 01.01.2018.

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

5. The only claim of the petitioners is that they were within 20% of the serving employees in the Cadre for the grant of certain benefits which benefits have not been given to them as, the seniority list included the retired employees who had already retired prior to 01.01.2018 and they have been



taken into account for computing 20% of the serving employees, which is incorrect.

6. The said argument is perfectly valid. The employees who are serving as on 01.01.2018 are to be taken into account for computing 20% of the serving employees. The respondents are directed to undertake an exercise on the basis of the seniority list and the retired employees who had already retired prior to 01.01.2018 will be excluded while computing the 20% Cadre strength. In case, the petitioners come within the 20% Cadre strength after excluding the employees who have retired prior to 01.01.2018, whatever benefit the petitioners are found entitled for under the rules governing the service, will be considered and in case, the petitioners are found entitled for the grant of said benefit, appropriate consideration will be given and a speaking order will be passed within a period of eight weeks of the receipt of copy of this order.

7. Writ petition is disposed of in above terms.

January 09, 2025
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No