

(2026) 08 P&H CK 5068
In the Punjab And Haryana At Chandigarh
Case No : CWP-6996-1999 (O&M)

Bhushan Kumar & Anr.

APPELLANT

Vs

State Of Punjab & Ors.

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

Common Conditions of Service Rules, 1994

Citation : (2026) 08 P&H CK 5068

Hon'ble Judges : Sudeepti Sharma, J

Bench : Single Bench

Advocate : Ms. R.D. Bawa, Mr. Samuel Gill, Mr. Randhir Bawa, Ms. Arundhati Kulshreshtha

Judgement

Sudeepti Sharma, J.

1. The petitioners in the present writ petition are asking for writ in the nature of Mandamus directing the respondents to maintain the seniority of the petitioners from the date of their official appointment as Tracers/Junior Draftsman as fixed in the seniority list dated 28.11.1996.

2. Learned counsel for the petitioners contends that petitioners were selected by Subordinate Services Selection Board and as per the Departmental Selection Committee, the petitioners are senior to the private respondents and after maintaining their seniority as per the seniority rules, the date of promotion of petitioners to the post of Draftsman is required to be antedated to 03.01.1996 from 12.12.2001 and accordingly, they are entitled to consequential benefits.

3. Per contra, learned counsel for respondents argues on the lines of additional affidavit filed by Jitender Pal Singh, Chief Engineer/Headquarters Water Resources Department, Punjab, Chandigarh on behalf of respondent Nos.1 and 2.

4. It would be apposite to reproduce the relevant portion of the affidavit filed by Jitender Pal Singh, Chief Engineer/Headquarters Water Resources Department, Punjab, Chandigarh, which is reproduced as under:-

"2. That the seniority list of Junior Draftsman of P.W.D. Irrigation Branch was prepared and circulated amongst all the field offices with the request that the particulars of the officials whose names have been depicted in the list be checked-up and any variation be pointed out to this office for further corrections, it was also stressed that the names of any official missing in the list may also be intimated along-with their particulars duly verified vide this office letter No. 10818-10918/7NGE.I dated 16.8.91.

3. That the objections/representations from various officials who were recruited through Departmental Selection Committee on adhoc basis for six months were received against the above seniority list and after considering all the representations, the tentative seniority list was prepared and circulated vide this office letter No. 18797-18898/4NGE-1/96 dated 28.11.96. All the field offices were requested to verify the particulars inserted in the seniority list with the service record of the officials. It was also stressed that if any correction is required to be made in this tentative seniority list, the same be intimated to this office within a period of one month. The large number of representations/objections were received through groups of officials to amend the seniority list by giving different opinions. After giving due consideration to all the representations, it was decided to offer the case to the Punjab government to give the policy decision vide this office letter No.10950/4NGE-I dated 19.8.97 explaining the full situation of the case. After protracted correspondence/consideration the Punjab Government had conveyed the decision with consultation of Department of Personnel vide Punjab Government memo No.1/13/98-1PP(3)/17716 dated 1.9.98 (copy enclosed). In this decision it is clearly advised that the tracers appointed on the recommendations of Departmental Selection Committee on six months basis cannot be treated as regular one from the date of appointment. Their seniority be determined w. e. f. 1.4.1985 i.e. the date their services have been regularized in accordance with Punjab Government Instructions.

4. That on receipt of the above decision, the tentative seniority list was prepared in accordance with the Punjab Government decision and circulated amongst the all concerned officials for filing their objections if any against this tentative seniority list within a period of 2 months, for further consideration, thus the opportunity was given.

5. That it is further respectfully submitted that the petitioners were appointed by the Departmental Selection Committee as Tracer on temporary basis for six months on 19.01.1982. After that they got selected through S.S.S. Board and joined the department as Tracer on 19.01.1984. Considering their regular selection (i.e. 19.01.1984) by the S.S.S. Board the seniority of the petitioners was fixed as per Common Conditions of Service Rules, 1994, accordingly. It is also submitted that their initial adhoc appointment was never regularised by the Government. Thus, they are not entitled to the seniority from the initial adhoc appointment i.e. from the year 1982.

6. That In accordance with the order dated 25-02-2003 passed by the Hon'ble High Court in CWP No. 14607 of 1996 (Ranbir Kumar and Others vs. State of Punjab), the Department issued an order No. 5369/5NGE-1/2004 dated 31-08-2004, vide which a deemed date of promotion as Draftsman for eligible officials were granted. The names of the petitioners were listed at Sr. No. 120 (Bhushan Kumar) and Sr. No. 125 (Pawan Kumar). The petitioners were granted the deemed date of promotion as Draftsman, w.e.f. 12-12-2001. Importantly, the petitioners have never raised any objections to these orders. Therefore, the petitioners' claim for promotion has already been addressed, and there are no pending claims with the Department.

7. That it is further respectfully submitted that in an audit of service book of respondent no. 4 namely Smt. Beena Kumari, conducted by the audit party, they have raised

objections to the fact that merely after 08 days of contractual service under which Government instructions she has been regularized w.e.f. 03.06.1982 after being appointed on purely contractual basis on 24.05.1982 as Tracer and objection regarding the step-up given to her was also raised. Consequently, the Audit Party calculated a recovery Rs. 2,46,090/- and regarding the same order of recovery dated 02.05.2017 was issued. Against these orders she filed a Writ Petition No. 1228 of 2018 for quashing the order dated 27.04.2017 and order dated 02.05.2017 vide which the amount of Gratuity of Rs. 2,46,090/- has been withhold by the department. This case is now fixed for hearing on 27.08.2025.

8. That the respondent No. 5 Darshan Singh was appointed as adhoc basis as Junior Draftsman and was further promoted to Draftsman vide letter No. 1482-1503/5NGE-1 dt. 15.02.1996 on the basis of seniority prepared by counting initial adhoc appointment which was contrary to the Government instructions. Accordingly, he was reverted to the post of Junior Draftsman vide order No.2407/5NGE-1 dated 11.05.2004. Challenging these reversion orders, he filed a Writ Petition No. 8063 of 2004. The said writ petition was decided on 11.01.2024 and the Hon'ble High Court passed the order as under:-

"In view of the above, present petition is disposed of as having been rendered infructuous. Liberty is granted to the petitioner to revive the present petition in case any cause survives."

9. That the respondent No. 6 Gurmit Singh was appointed as adhoc basis as Junior Draftsman and was further promoted to Draftsman vide letter No. 13316/5NGE-1 dt. 13.09.1996 on the basis of seniority prepared by counting initial adhoc appointment which was contrary to the Government instructions. Accordingly, he was reverted to the post of Junior Draftsman vide order No. 3271/5NGE-1 dated 18.06.2004. Challenging these reversion orders, he filed a Writ Petition No. 9404 of 2004. The said writ petition was decided on 11.01.2024 and the Hon'ble High Court passed the order as under:-

"In view of the above, present petition is disposed of as having been rendered infructuous. Liberty is granted to the petitioner to revive the present petition in case any cause survives." It is also submitted that the petitioners were recruited on adhoc basis and their services were regularized with effect from 1.04.1985 as per instructions /policy dated 29.03.1985 of the State Government. It is claim of the petitioners that they should have been given seniority from the date of their initial adhoc appointment. In a catena of judgements, the Hon'ble Punjab and Haryana High Court as well as the Supreme Court of India has held that the seniority is to be given from the date of substantive appointment. In case of CA No. 6026-6028 of 2021 titled as Malook Singh and others, the Hon'ble Supreme Court of India has given its judgement dated 29.09.2021. In the said judgement, apart from other pleadings, the Hon'ble Supreme Court of India has held that the initial appointment was supposed to be a stop gap arrangement, besides being not in accordance with the rules, and the ad hoc service cannot be counted for the purpose of seniority."

5. In view of the stand taken by the respondents as reproduced above, I do not find any merit in the present writ petition. Accordingly, the same is hereby, **dismissed**.

6. Pending miscellaneous application(s), if any, stand disposed of.