
(2014) 05 P&H CK 0179
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 12815 of 1992 (O&M)

Gian Singh

APPELLANT

Vs

The Punjab State Agricultural Marketing Board and Others

RESPONDENT

Date of Decision : 28-05-2014

Acts Referred:

Citation : (2014) 05 P&H CK 0179

Hon'ble Judges : K. Kannan, J

Bench : Single Bench

Advocate : J.S. Manipur, Advocate for the Appellant

Final Decision : Allowed

Judgement

K. Kannan, J.—The petition is a prayer for grant of promotion to the petitioner from the date when the private respondents No. 3 and 4 were promoted from the post of peon to clerk. The contention is on the basis that he joined as peon on 23.10.1986, while the private respondents No. 3 and 4 had joined on 27.10.1986. The eligibility for promotion was of 5 years experience and type test which the petitioner had also passed before the private respondents No. 3 and 4. The mischief was sought to be perpetuated by issuing tentative seniority list of class IV employees of the Mandi Board placing respondents No. 3 and 4 at serial No. 203 and 212 respectively and placing the petitioner at serial No. 260 below the names of respondents No. 3 and 4. The challenge is made contending that the tentative seniority list itself is a vindication of the petitioner's claim that he had been appointed earlier and is senior to respondents No. 3 and 4. The case has been pending all these years and there has been no response through reply by any of the respondents to the petitioner's contention.

2. The writ petition is allowed. The petitioner shall be deemed to have been promoted from the date when respondents No. 3 and 4 were promoted and shall be given all consequential benefits flowing therefrom. The monetary benefits that are due for being treated as promoted from the date respondents No. 3 and 4

were promoted, shall be carried out to its full extent by providing for appropriate scales applicable to the promotional post and calculate the arrears within a period of 8 weeks from the date of receipt of a copy of the order. The petitioner is at liberty to serve a copy of the order on the respondents to secure to himself the rights protected through this order.

3. The writ petition is allowed on the above terms.