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(2013) 07 P&H CK 0304

High Court Of Punjab And Haryana At Chandigarh

Case No: LPA No. 136 of 1997

Ajit Singh	APPELLANT
Vs	
State of Punjab and Others	RESPONDENT

Date of Decision: July 1, 2013

Hon'ble Judges: Surya Kant, J; Surinder Gupta, J

Bench: Division Bench

Advocate: J.S. Puri, Addl. A.G., Punjab, for the Respondent

Final Decision: Dismissed

Judgement

Surya Kant, J.
This letters patent appeal assails the order dated 6.11.1996, whereby the learned Single Judge has dismissed the appellant"s writ petition in which he raised a seniority dispute and claimed himself senior to the 3rd respondent. The appellant was appointed as a Tracer in PWD (B&R Branch) on 3.8.1964, on being sponsored by the Employment Exchange. Thereafter, regular recruitment was made by the Subordinate Services Selection Board, Punjab. The name of respondent No. 3 was recommended for appointment on 19.3.1965, whereas the name of the appellant was recommended for such appointment after three days. The appellant claimed himself senior to respondent No. 3 on the premise that he was already working as a Tracer since August 3, 1963. In other words, it was a claim for counting of temporary/ad hoc service towards seniority. The learned Single Judge, however, has declined the same on the basis of the Government instructions dated March 15, 1962 which inter alia provide that temporary appointment without the recommendation of Subordinate Services Selection Board is just a make-shift arrangement and, therefore, may not count for seniority.

2. Still aggrieved, the present appeal has been preferred.

3. In our considered view, in the absence of any statutory rule mandating the counting of temporary service towards seniority, the executive instructions would hold the field. Since

the appellant has failed to establish that in the selection list he was higher in merit than the 3rd respondent, his claim for seniority above the private respondents is without any merit. Dismissed.