

Ajit Singh Vs State of Punjab and Others

Court: High Court Of Punjab And Haryana At Chandigarh

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.