

GOVERNMENT OF PUNJAB  
DEPARTMENT OF PERSONNEL  
(Personnel Policies I Branch)

To

All the Financial Commissioners, Principal Secretaries and Secretaries to Government, Punjab and Heads of Departments, Commissioners of Divisions, Deputy Commissioners of all Districts in the State, Registrar, Punjab and Haryana High Court and Sub-Divisional Magistrates in the State.

No. 3/34/99/2PPI/12565

Dated Chandigarh, the 22th October, 1999.

Sub:--

Implementation of Ajit Singh Janjua Judgement-I.A No. 1-3 in C.W.P. Nos. 3792-3794.

Sir,

I am directed to refer on the subject noted above and to state that Hon'ble Court has given clarification vide their judgement dated 16-9-1999 known as Ajit Singh-II (copy enclosed). While considering the matter, the Hon'ble Court has categorised various levels of promotion as level 1,2,3,4 etc. For the sake of implementing this Judgement, the following guidelines may please be kept in view:--

- (i) It is not permissible to delink the seniority Rule from the recruitment Rule based on equal opportunity and apply it to promotions made on the basis of the roster wherein promotions are made outside the equal opportunity principle : (Para 49 of Ajit Singh-II). The roster point promotees (reserved category) cannot count their seniority in the promoted category from the date of their continuous officiation in the promoted post, *vis-à-vis* the general candidates who were senior to them in the lower category and who were later promoted. On the other hand, the senior general candidate at the lower level, if he reached the promotion level later but before the further promotion of the reserved candidate, He will have to be treated as senior, at the promotional level to the reserved candidate even if the reserved candidate was earlier promoted to that level (Para 76 of Ajit Singh-II). The Court in Jagdish Lal arrived at an incorrect conclusion because of applying the rule of continuous officiation which was not intended to apply to the reserved candidates promoted at roster points. Therefore, it was held that Jagdish Lal was not correctly decided. (Para 56 of Ajit Singh-II) and Ajit Singh-I, Virpal and Sabharwal were upheld.

Roster point promotees cannot claim seniority on the basis of date of continuous officiation

- (ii) If reserved category candidate is otherwise eligible (after correct application of roster) and posts are available for promotion to the next higher level, they cannot be denied right to be considered for promotion to the higher level merely because erstwhile seniors at the entry level have not reached the lower level 3 (Para 51 of Ajit Singh-II). The relevant date for deciding the eligibility for consideration should be date on which vacancy occurs.

Further promotion of roster point promotees cannot be delayed to enable general category candidates to reach that level.

- (iii) (a) If any senior general candidate at Level 2 (Assistant) reaches Level 3 (Superintendent Grade-II) before the reserved candidate (roster point promotee) at Level 3 goes further up to Level 4 in that case the seniority at Level 3 has to be modified by placing such a general candidate above the roster promotee, reflecting their inter-se seniority at Level 2. Further promotion to Level 4 must be on the basis of such a modified seniority at Level 3, namely that the senior general candidate of Level 2 will remain senior also at Level 3 to the reserved candidate, even if the latter had reached Level 3 earlier and remained there when the senior general candidate reached that Level 3. (Para 80 of Ajit Singh -II)

Seniorities to be re-determined within the same levels only.

- (b) One of the objections raised before us and which appealed to the full Bench in Jaswant Singh's case was that this 'catch up' principle would lead to frequent alteration of the seniority list at Level 3. We do not find any difficulty in this behalf. The seniority list at Level 3 would have only to be merely amended whenever the senior general candidate reaches Level 3.

No difficulty in amending seniority list.

- (iv) Any promotions made wrongly in excess of quota are to be treated as adhoc. Those persons promoted in excess of quota before 10.2.1995 will not be reverted but such promotees cannot claim seniority. Seniority in the promotional cadre of such excess promotees shall have to be re-fixed after 10.2.1995 and will count only from the date on which they would have otherwise got normal promotion in any future vacancy arising in a post previously occupied by a reserved candidate (Para 88 of Ajit Singh-II). Seniority conferred on roster promotees due to application of Punjab Government circular No. 7191-OSD(W)-69/18194 dated 19.7.1969 held invalid the said circular is hereby withdrawn and seniority to be re-determined by not treating roster point as seniority point. (Para 42 of Ajit Singh-II)

Where promotions made wrongly prior to 10.2.95 in excess of quota no reversions to be made, but seniority to be re-determined. Such promotees "cannot plead for grant of additional benefit of seniority flowing from wrong application of the roster." Seniority is to be re-determined according to correct application of roster. Promotions made due to wrong application of roster till 10.2.95 are protected from reversions. However, seniority is to be re-fixed.

Review of promotions wrongly made prior to 1.3.1996 in certain situations no reversions to be made but seniorities to be re-determined. Seniority of roster promotees conferred due to application of circular dated 1969 held invalid.

- (v) Where, before 1.3.1996 i.e. the date of Ajit Singh's (I) judgement at the Level 3, there were reserved candidates who reached there earlier and also senior general candidates who reached there later (but before the reserved candidate was promoted to Level 4) and inspite of the fact that senior general candidates had to be treated as senior at Level 3 (in view of Ajit Singh), the reserved candidate is further promoted to Level 4 without considering the fact that the senior general candidate was also available at Level 3 then after 1.3.1996, it becomes necessary to review the promotion of the reserved candidate to Level 4 and reconsider the same (without causing reversion to reserved candidate who reached Level 4 before 1.3.1996). As and when the senior general candidate is later promoted to Level 4, the seniority at Level 4 has also to be re-fixed on the basis of when the reserved candidate at Level 3 would have got his normal promotion treating him as junior to the senior general candidate at Level 3 (Para 91 of Ajit Singh-II). As the circular No. 7191-OSD(W)69/18194 dated 19.7.1969 is withdrawn, seniority to be re-determined by not treating roster point as seniority point.

2. Instructions regarding cases of persons reverted on implementation by Ajit Singh Janjua-I will be issued subsequently.

3. Upon the re-fixation of seniority, the persons now becoming senior to those wrongly promoted earlier will be entitled to pay fixation equivalent to that of the wrongfully promoted juniors. However, they will be entitled only to pay fixation and drawal of revised pay prospectively and not entitled to any arrears.

4. All policy instructions issued here-to-fore which are in contravention of the law laid down by the Hon'ble Supreme Court in Ajit Singh Janjua and Ajit Singh-II, shall be deemed to have been withdrawn/modified to that extent. Specifically, instructions issued by the Department of Welfare vide circular letter No. 1/50/96-RC1/796, dated the 28th August, 1997 putting a ban on promotions will stand superceded. The above guidelines may be brought to the notice of all concerned for meticulous compliance. These instructions are being issued in consultation with the Department of Welfare.

Yours faithfully,

Sd/-

(Megh Raj)

Joint Secretary, Personnel.



(ਉਸੇ ਨੰਬਰ ਅਤੇ ਮਿਤੀ ਦਾ ਥਾਂ ਲੇਵਾ)  
(to be substituted bearing same number and date)

ਨੰ: 4/40/13- 3ਪੀ. ਪੀ. 1/855

ਪੰਜਾਬ ਸਰਕਾਰ  
ਪ੍ਰਸ਼ੋਨਲ ਵਿਭਾਗ  
(ਪੀ. ਪੀ. 1 ਸ਼ਾਖਾ)

ਸੇਵਾ ਵਿਖੇ

ਪੰਜਾਬ ਰਾਜ ਦੇ ਸਮੂਹ ਵਿਭਾਗਾਂ ਦੇ ਮੁੱਖੀ,  
ਡਿਵੀਜਨਾਂ ਦੇ ਕਮਿਸ਼ਨਰਜ਼, ਡਿਪਟੀ ਕਮਿਸ਼ਨਰਜ਼, ਅਤੇ  
ਉਪ ਮੰਡਲ ਮੈਜਿਸਟਰੇਟ।

ਮਿਤੀ, ਚੰਡੀਗੜ੍ਹ, 10 ਅਕਤੂਬਰ, 2014

ਵਿਸ਼ਾ:- ਰੋਸਟਰ ਪੁਆਇੰਟ ਨੂੰ ਸੀਨੀਅਰਤਾ ਪੁਆਇੰਟ ਨਾ ਮੰਨਣ ਬਾਰੇ  
ਸਪੱਸ਼ਟੀਕਰਨ।

ਸ਼੍ਰੀਮਾਨ ਜੀ / ਸ਼੍ਰੀਮਤੀ ਜੀ,

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਦੇ ਸਬੰਧ ਵਿਚ ਮੈਨੂੰ ਆਪਦਾ ਧਿਆਨ ਰਾਜ ਸਰਕਾਰ ਦੇ ਗਸ਼ਤੀ  
ਪੱਤਰ ਨੰ:3/34/99 - 3ਪੀ.ਪੀ.1/12565, ਮਿਤੀ 22 ਅਕਤੂਬਰ, 1999 ਅਤੇ ਪੱਤਰ ਨੰ:  
8/3/2K - 3ਪੀ. ਪੀ. 1/13052, ਮਿਤੀ 23 ਅਕਤੂਬਰ, 2000 ਵਲ ਦਿਵਾਉਣ ਅਤੇ ਲਿਖਣ  
ਦੀ ਹਦਾਇਤ ਹੋਈ ਹੈ ਕਿ ਪ੍ਰਸ਼ੋਨਲ ਵਿਭਾਗ ਦੇ ਧਿਆਨ ਵਿਚ ਆਇਆ ਹੈ ਕਿ ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ  
ਦੀ ਸਾਰੇ ਵਿਭਾਗਾਂ ਵੱਲੋਂ ਸੁਚਾਰੂ ਢੰਗ ਨਾਲ ਪਾਲਣਾ ਨਹੀਂ ਕੀਤੀ ਜਾ ਰਹੀ ਹੈ।

2. ਭਲਾਈ ਵਿਭਾਗ ਵੱਲੋਂ ਗਸ਼ਤੀ ਪੱਤਰ ਨੰ: 7191 - ਓ. ਐਸ. ਡੀ. (ਡਬਲਯੂ) -  
69 /18194, ਮਿਤੀ 19/7/1969 ਰਾਹੀਂ ਜਾਰੀ ਹਦਾਇਤਾਂ ਅਨੁਸਾਰ ਰੋਸਟਰ ਨੁਕਤੇ  
ਨੂੰ ਸੀਨੀਅਰਤਾ ਨੁਕਤਾ ਮੰਨਿਆ ਜਾਂਦਾ ਸੀ। ਇਸ ਤੋਂ ਬਾਅਦ ਮਾਨਯੋਗ ਸੁਪਰੀਮ ਕੋਰਟ  
ਦੀ ਸੰਵਿਧਾਨਿਕ ਬੈਂਚ ਦੇ ਆਈ. ਏ. ਨੰ: 1-3 ਇਨ 3792 - 94 ਆਫ 1989 - ਅਜੀਤ ਸਿੰਘ  
ਜੰਜੂਆ ਬਨਾਮ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਕੇਸ ਵਿਚ ਫੈਸਲੇ ਮਿਤੀ 16/9/1999 ਅਨੁਸਾਰ ਭਲਾਈ  
ਵਿਭਾਗ ਦੀਆਂ ਉਕਤ ਹਦਾਇਤਾਂ ਮਿਤੀ 19/7/1969 ਨੂੰ ਅਯੋਗ ਕਰਾਰ ਦਿੱਤਾ ਗਿਆ ਸੀ। ਇਸ  
ਲਈ ਰਾਜ ਸਰਕਾਰ ਦੀਆਂ ਮਿਤੀ 19/7/1969 ਦੀਆਂ ਹਦਾਇਤਾਂ ਪ੍ਰਸ਼ੋਨਲ ਵਿਭਾਗ ਦੇ ਹਵਾਲਾ  
ਅਧੀਨ ਪੱਤਰ ਮਿਤੀ 22/10/1999 ਰਾਹੀਂ ਵਾਪਸ ਲੈ ਲਈਆਂ ਗਈਆਂ ਸਨ।

3. ਉਕਤ ਤੋਂ ਇਲਾਵਾ ਰਿੱਟ ਪਟੀਸ਼ਨ ਨੰ: 79 ਆਫ 1979 - ਆਰ. ਕੇ. ਸਭਰਵਾਲ  
ਬਨਾਮ ਪੰਜਾਬ ਸਰਕਾਰ ਦੇ ਕੇਸ ਵਿੱਚ ਵੀ ਮਾਨਯੋਗ ਸੁਪਰੀਮ ਕੋਰਟ ਦਾ ਫੈਸਲਾ ਮਿਤੀ  
10/2/1995 ਪ੍ਰਾਪਤ ਹੋਇਆ ਸੀ, ਜਿਸ ਅਨੁਸਾਰ ਰਨਿੰਗ ਰੋਸਟਰ ਕੇਵਲ ਉਦੋਂ ਤੱਕ ਹੀ ਚਲੇਗਾ

ਜਦੋਂ ਤੱਕ ਕਿ ਰਾਖਵੇਂਕਰਨ ਦੀ ਨੀਤੀ ਤਹਿਤ ਕੋਟਾ ਪੂਰਾ ਨਹੀਂ ਹੋ ਜਾਂਦਾ। ਜਦੋਂ ਕੋਟਾ ਪੂਰਾ ਹੋ ਜਾਵੇ ਤਾਂ ਉਸ ਉਪਰੰਤ ਪੋਸਟ ਬੇਸਡ ਰੋਸਟਰ ਸਿਸਟਮ ਲਾਗੂ ਕੀਤਾ ਜਾਵੇ।

4. ਮਾਮਲੇ ਬਾਰੇ ਪੰਜਾਬ ਰਾਜ ਅਨੁਸੂਚਿਤ ਜਾਤੀਆਂ ਅਤੇ ਪਛੜੀਆਂ ਸ਼੍ਰੇਣੀਆਂ ਐਕਟ, 2006 ਦੇ ਸੈਕਸ਼ਨ 4 (6) ਅਧੀਨ ਵੀ ਹੇਠ ਅਨੁਸਾਰ ਉਪਬੰਧ ਕੀਤੇ ਗਏ ਹਨ:-

"Reservation shall be implemented by reserving vacancies by means of a running roster, as may be prescribed till the percentage of reservation as specified in sub section (2), (3) and (4) are completed."

ਇਸ ਤਰ੍ਹਾਂ ਰਾਖਵੇਂਕਰਨ ਦੀ ਨੀਤੀ ਤਹਿਤ ਰਨਿੰਗ ਰੋਸਟਰ ਕੇਵਲ ਉਦੋਂ ਤੱਕ ਹੀ ਚਲਦਾ ਹੈ ਜਦੋਂ ਤੱਕ ਰਾਖਵੀਆਂ ਸ਼੍ਰੇਣੀਆਂ ਦੀ ਪ੍ਰਤੀਨਿਧਤਾ ਪੂਰੀ ਨਹੀਂ ਹੁੰਦੀ।

5. ਉਕਤ ਤੋਂ ਇਲਾਵਾ ਪੰਜਾਬ ਸਿਵਲ ਸੇਵਾਵਾਂ (ਆਮ ਅਤੇ ਸਾਂਝੀਆਂ ਸੇਵਾ ਸ਼ਰਤਾਂ) ਨਿਯਮ, 1994 ਦੇ ਨਿਯਮ 8 ਅਧੀਨ ਸਿੱਧੀ ਭਰਤੀ ਉਪਰੰਤ ਕੇਵਲ ਸਿਲੈਕਸ਼ਨ ਸਮੇਂ ਤਿਆਰ ਕੀਤੀ ਗਈ ਮੈਰਿਟ ਦੇ ਆਧਾਰ ਤੇ ਹੀ ਸੀਨੀਅਰਤਾ ਨਿਸ਼ਚਿਤ ਕਰਨ ਬਾਰੇ ਉਪਬੰਧ ਕੀਤੇ ਗਏ ਹਨ।

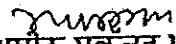
6. ਮਾਮਲੇ ਬਾਰੇ ਭਾਰਤ ਸਰਕਾਰ ਵੱਲੋਂ ਵੀ ਰਿਜ਼ਰਵੇਸ਼ਨ ਰਜਿਸਟਰਜ਼ ਅਤੇ ਰੋਸਟਰ ਰਜਿਸਟਰਜ਼ ਬਾਰੇ ਹਦਾਇਤਾਂ ਦੇ ਚੈਪਟਰ-5 ਦੇ ਪੈਰਾ/5.3 ਹੇਠ ਨੋਟ ਅਧੀਨ ਹੇਠ ਅਨੁਸਾਰ ਉਪਬੰਧ ਕੀਤੇ ਗਏ ਹਨ :-

"Reservation registers / roster registers are only an aid to ensure that Scheduled Castes, Scheduled Tribes and Other Backward Classes get quota reserved for them. These registers/roster registers do not determine seniority."

7. ਉਕਤ ਅਨੁਸਾਰ ਦਰਸਾਈ ਗਈ ਸਥਿਤੀ ਵਿਚ ਸਪੱਸ਼ਟ ਕੀਤਾ ਜਾਂਦਾ ਹੈ ਕਿ ਰਾਖਵੇਂਕਰਨ ਦੀ ਨੀਤੀ ਤਹਿਤ ਤਿਆਰ ਕੀਤੇ ਜਾਂਦੇ ਰੋਸਟਰ ਰਜਿਸਟਰ ਦਾ ਮਕਸਦ ਕੇਵਲ ਰਾਖਵੀਆਂ ਸ਼੍ਰੇਣੀਆਂ ਨੂੰ ਯੋਗ ਕੋਟਾ ਦੇਣ ਨਾਲ ਹੈ। ਇਨ੍ਹਾਂ ਰੋਸਟਰ ਨੁਕਤਿਆਂ ਦੇ ਆਧਾਰ ਤੇ ਸੀਨੀਅਰਤਾ ਦਾ ਲਾਭ ਮਿਲਣਯੋਗ ਨਹੀਂ ਹੈ।

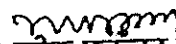
ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਦੀ ਇੰਨ-ਬਿੰਨੁ ਯਕੀਨੀ ਬਣਾਈ ਜਾਵੇ।

ਵਿਸ਼ਵਾਸਪਾਤਰ,

  
ਅਧੀਨ ਸਕੱਤਰ ਪ੍ਰਸ਼ੰਨਲ

ਪਿ: ਐ ਨੰ: 4/40/2013 - 3ਪੀ.ਪੀ.1/856 ਮਿਤੀ, ਚੰਡੀਗੜ੍ਹ, 10 ਅਕਤੂਬਰ, 2014

ਇਸ ਦਾ ਇੱਕ ਉਤਾਰਾ ਰਾਜ ਦੇ ਸਮੂਹ ਪ੍ਰਮੁੱਖ ਸਕੱਤਰ / ਵਿੱਤੀ ਕਮਿਸ਼ਨਰਜ਼ ਅਤੇ ਖੁਬੰਧਕੀ ਸਕੱਤਰ, ਪੰਜਾਬ ਸਰਕਾਰ ਨੂੰ ਸੂਚਨਾ ਅਤੇ ਯੋਗ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ ਅਤੇ ਬੇਨਤੀ ਕੀਤੀ ਜਾਂਦੀ ਹੈ ਕਿ ਇਨ੍ਹਾਂ ਹਦਾਇਤਾਂ ਦੀ ਪਾਲਣਾ ਯਕੀਨੀ ਬਣਾਈ ਜਾਵੇ।

  
ਅਧੀਨ ਸਕੱਤਰ ਪ੍ਰਸ਼ੰਨਲ

No.28/9/94-IH(7)-2021/10478  
Chandigarh Administration  
Department of Personnel

Chandigarh, dated the 28/7/2021

To

*Dir. Ayush*

All the Administrative Secretaries/  
Head of Departments/Offices/  
Institutions/Boards/Corporations  
Chandigarh Administration

Directorate of AYUSH  
Chandigarh Administration

Diary No. 1033

Dated 29/7/21

*29/7/21*  
*Subdt*

**Subject: Implementation of Ajit Singh Janjua Judgment- I.A No. I-3  
in C.W.P. Nos. 3792-3794.**

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Sir/Madam

I am directed to address you on the subject noted above and to state that the Administrator, Union Territory, Chandigarh is pleased to adopt the following communications of the Government of Punjab, Department of Personnel in respect of the employees of Chandigarh Administration (copies enclosed):-

- i) Letter No. 3/34/99-3PPI/12565 dated 22.10.1999
- ii) Letter No. 4/40/13-3PPI/855 dated 10.10.2014

2. You are requested to bring the contents of this communication to the notice of all concerned for information and necessary action.
3. These instructions are being issued in consultation with the Law Department, Chandigarh Administration.

Yours faithfully

*Pamal*

Special Secretary Personnel  
for Administrator  
Union Territory, Chandigarh

Endst. No. 28/9/94-IH(7)-2021/10479

Dated: 28/7/2021

A copy is forwarded to the Director Information Technology, Union Territory, Chandigarh for information and necessary action. She is requested to upload the above instructions on the official website of Chandigarh Administration.

*Pamal*

Special Secretary Personnel  
for Administrator  
Union Territory, Chandigarh

*28/7*  
*Subdt*  
*28*  
*GI-A*

