

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CIVIL WRIT PETITION NO.1453 OF 1993

RESERVED ON: DECEMBER 03, 2014

DATE OF DECISION: JANUARY 29, 2015

Bhagwan Dass DawarPetitioner

Versus

State of Haryana and othersRespondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.KPS Virk, Advocate for
Mr.KS Dhaliwal, Advocate for the petitioner.

Mr.Sunil Nehra, Senior Deputy Advocate General,
Haryana.

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TEJINDER SINGH DHINDSA, J.

The petitioner who was serving as Fitter Instructor at the Industrial Training Institute, Panipat had instituted the instant writ petition in the year 1993 assailing the action of the respondent-Authorities in having denied to him the service benefits that were made admissible to his junior, namely, Hazari Singh.

2. Facts, in brief, are that the petitioner was, initially, appointed as Fitter on adhoc basis in the pay scale of ₹120-200 in the Industries Department of erstwhile State of Punjab on 4.11.1962. He was thereafter selected and appointed as Foreman-cum-Supervisor in the pay scale of ₹200-410 on

30.9.1963. Upon re-organization of the State of Punjab, the petitioner was allocated to the State of Haryana w.e.f. 1.11.1966. Upon the closure of Rural Industrial Development Centres at Dadupura, Samalkha and Kohand, certain staff was rendered surplus and, consequently, services of the petitioner along with one Hazari Singh were terminated in the year 1969. The petitioner was at that point of time adjusted as Supervisor in the pay scale of ₹150-300 in the Common Facility Workshop in the Development and Panchayat Department running under the aegis of Industries Department. In June 1976, the Government decided to wind up the Common Facility Workshops and, consequently, the petitioner having been rendered surplus accepted adjustment on the post of Fitter Instructor in the grade of ₹225-500 on 16.11.1976. His services on the post of Fitter Instructor were regularized w.e.f. 13.6.1978 on the approval of the Subordinate Services Selection Board, Haryana.

3. The entire case set up on behalf of the petitioner is that Hazari Singh was his junior and his services were also terminated upon the closure of the Rural Industrial Development Centres and subsequently, at the stage of adjustment, Hazari Singh has stolen a march and has been appointed on a higher post of Apprenticeship Supervisor. It has been contended that such action is discriminatory and violative of Articles 14 and 16 of the Constitution of India and the petitioner is vested with a right to be granted all the service benefits as has been made admissible to his junior Hazari Singh.

4. Having heard learned counsel for the parties at length

and having perused the pleadings on record, this Court is of the considered view that the claim raised in the instant writ petition is untenable.

5. It has gone uncontroverted that the petitioner was senior to Hazari Singh till the year 1969 when their services were dispensed with upon being declared surplus. However, subsequently, Hazari Singh was selected and appointed as Apprenticeship Supervisor in the Industrial Training Department on 7.3.1969. On the other hand, the petitioner continued to serve in the Industries Department till the year 1976 when the Common Facility Workshops were closed down. At this stage, the petitioner accepted adjustment and appointment as a Fitter Instructor in the scale of ₹225-500 and on which post his services stood regularized.

6. The petitioner did not raise any claim at the stage of appointment of Hazari Singh as Apprenticeship Supervisor in the year 1969. It is only after having been adjusted as Fitter Instructor in the year 1976 and thereafter that the petitioner started to agitate his grievance by filing representations. Be that as it may, post-1969 Shri Hazari Singh and the petitioner were appointed on different posts and which were carrying different pay scales. Under such circumstances, the claim set up by the petitioner by filing the instant petition in the year 1993 on the verge of superannuation on the basis of his seniority position that held good only upto the year 1969 in comparison to Hazari Singh cannot be accepted.

7. Apart from the claim being found lacking in merit, the

same can also be termed as highly belated. This Court does not find any infirmity in the impugned orders dated 3.8.1992 at Annexure P20 and dated 25.9.1992 at Annexure P21 whereby such claim stands rejected.

8. Writ petition is dismissed.

JANUARY 29, 2015
SRM

(TEJINDER SINGH DHINDSA)
JUDGE

Note: Whether to be referred to Reporter? Yes/No