

Sr.No.1042

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP-4746-2009(O&M)

Decided on: **04.11.2015**

Ravinder KumarPetitioner

vs.

State of Haryana and othersRespondents

Coram: Hon'ble Mr. Justice Mahesh Grover

Present: Mr.Ravi Sharma, Advocate for the petitioner.

Mr.Hitesh Pandit, Addl. A.G. Haryana.

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The petitioner has filed the instant petition with a prayer that he be granted seniority from the date of appointment of his juniors or persons lesser in merit who were appointed.

The petitioner had applied for the post of Constable in the year 2000 and was placed in seniority list at serial number 1. He filed a writ petition bearing no.11199 of 2001 alleging that certain persons who were lesser in merit as also some persons who were having criminal antecedents had been recruited as Constable and if those persons were to be excluded, the petitioner who is at serial number 1 of the seniority list would be entitled to be recruited.

The Court noticed on the basis of reply filed by the respondents that some of the incumbents who were involved in criminal cases their names were sent back for re consideration. The petitioner's writ petition was allowed in the following terms:-

“As such, this petition is allowed. Let Commandant 5th Battalion, Haryana Armed Police, Madhuban, District Karnal allow Constabulary number and issue appointment letter to the present petitioner. However, the appointment shall be treated as fresh appointment as from the date he joins and no other benefits will be admissible.”

The petitioner now contends that he is entitled to seniority etc. from the date when his juniors were promoted. The order of the Writ Court mandated a fresh appointment to the petitioner ostensibly for the reason that the writ petition was allowed

in 2007 whereas the selection was made in the year 2000 seven years prior to the date of decision of the writ petition. The petitioner never pressed for his claim of seniority at that point of time. No Letters Patent Appeal was preferred by him against the observations of the Court treating his appointment as fresh appointment with no other benefits. Evidently, the petitioner had not even worked for this period which is the reason why monetary consequences and the seniority etc. has not been granted to the petitioner by the respondents which is now the cause of grievance to the petitioner.

For the aforesaid reasons when the petitioner never claimed his seniority or other benefits which were denied to him in the earlier writ petition by raising a challenge to it, I am of the opinion that it is too late in the day to consider in favour of the petitioner his plea of grant of seniority in these proceedings.

Dismissed.

04.11.2015

mamta

(MAHESH GROVER)

JUDGE