

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.20968 of 2015 (O&M)

Date of decision: **October 01, 2015**

Narender Singh and others

...Petitioners

Versus

Municipal Corporation, Faridabad and others

...Respondents

Coram: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present: Mr.Virender Kumar, Advocate
 for the petitioners.

HARINDER SINGH SIDHU, J.

By filing of this petition, the petitioners have sought quashing of the seniority list dated 8/21.11.2013 (Annexure P-3) and the order dated 5.5.2015 (Annexure P-6) vide which their representation for correction in the seniority list was rejected.

Factual background of the case as pleaded is that the petitioners were appointed on different posts namely Peon, Khalasi, Chowkidar and Bill Distributors on regular basis in the office of respondent – Municipal Corporation Faridabad in the year 1992 and onwards.

The grievance of the petitioners is that since the year 2000, the respondent Corporation has been promoting daily wage Beldars on the post of Clerks, whereas, as per Rule 9(1) of the Haryana Municipal Corporation Employees (Recruitment and

Conditions) Service Rules, 1998 (for short the Rules of 1998), the feeder posts for promotion to the posts of Clerk are Peons, Chowkidars, Bill Distributors, Khalasis, Fero Khalasis, Library Attendants, Complaint Attendants or Ward Collies. Such action of the respondent – Corporation in ignoring the petitioners for promotion and promoting the daily wage beldars in their stead, was challenged by them by filing CWP No.3491 of 2001. Thereafter, two petitioners filed CWP No.6580 of 2008, wherein, short reply by way of affidavit dated 24.6.2008 of Establishment Officer (Annexure P-1) was filed on behalf of the respondent – Corporation, stating that the petitioners (therein) along with other 16 persons had been promoted. In view of this, the petition was not pressed and was disposed of as infructuous.

In the present petition, the petitioners have sought directions to the respondent – Corporation to rectify the seniority-list of the Clerks and place the petitioners (who have been promoted on 24.6.2008 from the feeder posts) above the employees whose services were regularised to the posts of Clerk on 1.10.2003.

I have heard Learned counsel for the petitioners and have gone through the paper-book.

I do not find any merit in the claim of the petitioners for the reason that the issue of correction/rectification of the seniority list, cannot be gone into without questioning the action of the respondent – Corporation, which was taken in the year 2003 i.e. about 12 years ago of promoting the daily wage Beldars as Clerks.

It was open to the petitioners to have sought such a relief in the writ petitions (CWP No.3491 of 2001 and CWP No.6580 of 2008), but at that stage they were content with their promotion to the posts of clerk and the writ petitions were dismissed as infructuous. They did not even seek to question the promotion of the respondents as Clerks some time soon thereafter. Raising that issue of the regularisation/promotion of the private respondents after about 12 years cannot be permitted, either directly or in the garb of seeking rectification/ correction of the seniority list of clerks which is based on the regularisation/ promotion of the respondents made in the year 2003.

Thus, this petition is dismissed on the ground of delay and laches since the private respondents had been regularised/promoted as Clerks in the year 2003, whereas, the present petition was filed on 29.09.2015 i.e. after a delay of about 12 years.

October 01, 2015

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**(HARINDER SINGH SIDHU)
JUDGE**