

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 27299-2015

Date of decision: December 24, 2015

Vimal Deep and ors.

...Petitioners

Versus

State of Haryana and ors.

....Respondents

CORAM:HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

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Present:- Mr. Aman Pal, Advocate for
the petitioners.

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HARINDER SINGH SIDHU, J.

The Chief Administrator, Haryana Urban Development Authority, Panchkula-respondent No.2 invited applications vide advertisement dated 12.07.2008(Annexure P-1) for 15 posts of Sub Divisional Engineer (Civil). Out of total 15 posts, 2 posts were for General Category, 6 for Scheduled Caste, 4 for Backward Class, 1 for Ex-Serviceman and 2 for Physical Handicapped Categories. The petitioners as well as respondents No.3 to 6 applied in response to the said advertisement. Due to pendency of certain litigation, only 9 persons including the petitioners were appointed on 27.08.2009 (Annexure P-2). Respondents No.3 to 6, who were amongst the 15 selected were offered appointment and joined on 21.11.2012(Annexure P-4). In their appointment letter, in Column No.11, it was specifically mentioned that the seniority shall be determined as per date of joining and rules and regulations applicable in HUDA.

The official respondents circulated a tentative seniority list in the month of September 2013 (Annexure P-5) wherein the

petitioners figured at Sr. Nos. 36, 34, 35, 37, 39 and 40 whereas respondents No.3 to 6 were at Sr. Nos.52, 53, 54 and 55.

The case of the petitioners is that no objections were filed against the said seniority list by the private respondents at that time. Subsequently, another seniority was circulated on 1.4.2014 (Annexure P-6) wherein again the petitioners were shown senior to the private respondents. The private respondents did not submit any objection to the seniority list as well.

Learned counsel for the petitioners states that after having remained silent during these years, when the department was considering making promotion to the posts of Executive Engineer from amongst the Sub Divisional Engineer (Civil), the private respondents submitted representation in the month of April 2014 stating therein that they are entitled for notional benefits with effect from 2009, when the petitioners had joined. In this regard, the petitioners have also submitted representation dated 07.04.2015 (Annexure P-9) claiming that they are entitled to and have always been treated to be senior to the private respondents in view of actual dates of joining.

The limited grievance of the petitioners, at this stage, is that the respondents are actually considering the representation of the private respondents as reflected by the office notings Annexures P-7 and P-8 but there is no consideration of the representation of the petitioners.

Learned counsel for the petitioners limits his prayer to the extent that the respondents be directed to consider the representation submitted by the petitioners before taking final decision on the inter-se seniority between the petitioners and private respondents.

Accordingly, without commenting on the merits of the case, this writ petition is disposed of with a direction to respondent No.2 to take into consideration the representation submitted by the petitioners alongwith the representation submitted by the private respondents before taking final decision on the inter-se seniority between the petitioners and private respondents and if deemed appropriate opportunity of personal hearing be also given to them.

A copy of this order be given to learned counsel for the petitioners under the signatures of the Special Secretary of this Bench.

24.12.2015
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(Harinder Singh Sidhu)
Judge