

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

CWP No. 13585 of 1994

Date of decision : 06.01.2016

Ram Kumar and others

...Petitioners

versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ranjeet Saini, Advocate
for petitioner Nos 2, 3, 5 to 7.

Mr. Parwindera Singh Chauhan, Addl.A.G. Haryana

Mr. Subhash Ahuja, Advocate
for respondent No. 3.

Mr. Dhawal Bhandari, Advocate
for respondent Nos. 4 to 6.

RITU BAHRI , J. (Oral)

Petitioners have approached this Court by way of instant writ petition filed under Articles 226/227 of the Constitution of India, seeking a writ in the nature of certiorari/mandamus for quashing of order dated 16.09.1994 (P-4) to the extent of promotion of respondent Nos. 4 to 6 to the post of Junior Accountant and for directing respondent No. 3 not to grant the benefit of reservation with retrospective effect. Further prayer is being sought to struck down Rule 8.5 (iii) of the Harayan State Co-op Apex Bank's Staff Service (Common

Cadre) Rules, 1988, which came in to force w.e.f 01.10.1992 and to further fill up all the promotional vacancies strictly in terms of Rule 8.5 (ii) of the above mentioned Rule.

The grievance of the petitioners is that they are senior to respondent Nos. 4 to 6 and respondent Nos. 4 to 6 have been wrongly promoted before them.

At the very outset, learned counsel for respondent No. 3 stated that after the decision of Hon'ble the Supreme Court in cases of ***Ajil Singh Janjua and others vs. State of Punjab and others, 1999 (4) RSJ 211 (S.C) and R.K. Sabharwal vs. State of Punjab 1995(2) SCC 745***, the petitioners must have been promoted as Junior Accountants and have caught up with their erstwhile juniors i.e respondent Nos. 4 to 6. Learned counsel has further submitted that a tentative seniority list has been circulated on 02.06.2015, which has been finalized on 24.12.2015.

In view of the above mentioned fact, this petition is being disposed of by giving a liberty to the petitioners to take appropriate remedy, if need be, by challenging the above said seniority list.

Disposed of.

(RITU BAHRI)
JUDGE

06.01.2016

G Arora