

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.1039 of 1998
Date of Decision:- 13.05.2016

Rameshwar Nain and others
....Petitioners

Versus

State of Haryana and another
....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioners.
Mr. Rajesh Gaur, Additional Advocate General, Haryana.

RITU BAHRI, J. (Oral)

Petitioners are seeking direction to the respondents to grant them regular promotion to the post of Deputy Collector w.e.f. 14.12.1995 when they had assumed the current duty charge of the post of Deputy Collector.

Petitioners were working in the department as Deputy Collector on current duty charge since 14.12.1995. They were appointed as Zileddars on regular basis in the Irrigation department, the details are given as under: -

<i>Sr. No.</i>	<i>Name</i>	<i>Date of Joining as Zileddar</i>	<i>Date of confirmation</i>
1	Rameshwar Nain	16.03.1984	30.09.1992
2	Ajit Singh	14.03.1984	30.09.1992
3	Baljit Singh	27.01.1986	30.09.1992

The petitioners were confirmed as Zileendars, vide order dated 10.03.1995 (Annexure P-1). Seniority of the petitioners on the post of Zileendars was made as per seniority list (Annexure P-2) and the petitioners were stand at Sr. Nos.1, 7 and 10. Eleven senior most Zileendars were working as Deputy Collectors (Current Duty Charge) as per order dated 14.12.1995 (Annexure P-3). The Deputy Collector is to be made by selection from the cadre of Zileedar as per rules (Annexure P-4). There are 24 posts sanctioned for Deputy Collector and only 14 officials were working on regular basis. Eleven posts are still vacant. In view of the said facts, the petitioners have filed the present petition seeking direction to the respondents to grant them regular promotion on the post of Deputy Collector w.e.f. 14.12.1995.

Upon notice, written statement has filed on behalf of respondent Nos.1 and 2 taking therein the stand that the petitioners were assigned current duty charge of the post of Deputy Collector on 14.12.1995 in terms of Government advice conveyed vide memo No.2/12/95-41E dated 07.12.1995 as per Annexure P-3 on the basis of seniority list of Zileedar as per Annexure P-2. Further, the tentative seniority list of Zileendars of the Department already issued vide letter dated 21.12.1999 (Annexure R-2) has not been finalized and objections/claims if any have been invited from all concerned. The promotions of the petitioner will be considered as Deputy Collector on the finalization of seniority of zileedar.

Similar case bearing CWP No.4028 of 1998 has been disposed of on 18.11.2001 in view of the decision rendered in CWP No.17862 of 1997 whereby it has been confirmed that the judgment has not been

challenged before the Hon'ble Supreme Court and the State is making efforts to comply with the directions contained therein.

Keeping in view the fact that case of the present petitioners is squarely covered by the above-said judgment, the present petition is disposed of with the directions to the respondent(s) to pass appropriate orders, within a period of six months, from the date of receipt of certified copy of this order, as done in CWP No.4028 of 1998.

May 13, 2016
naresh.k

(RITU BAHRI)
JUDGE