

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

Date of decision: 26.10.2016

CWP No.11157 of 1998 (O&M)

Bimla Devi

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Rishi Pal Singh, Advocate, for
Mr. Jai Vir Yadav, Advocate, for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

Mr. Ranjit Singh Kalra, Advocate,
for respondent No.3.

RAJIV NARAIN RAINA, J. (ORAL)

This petition was instituted in the year 1998 with a prayer for issuance of a writ in the nature of mandamus to the official respondents to fix the seniority of the petitioner over and above the 3rd respondent on the posts of Deputy Superintendent and Superintendent and to consider her case for promotion as Superintendent w.e.f. the date her junior i.e. 3rd respondent, was promoted.

Both the parties have retired from service on reaching the age of superannuation sometime in the year 2006. Ms. Shruti Jain Goyal points out that the prayer is not feasible to be granted since the petitioner belonged to the clerical cadre while the 3rd respondent is from the stenography line. Therefore, the question of maintaining a common seniority list did not arise in the department.

Be that as it may, I find that no useful and prudent purpose will be served to tinker with their seniority positions in the lower and upper cadres at this distance of time, which past period may involve offensive intrusions in long settled third party rights of a large number of employees. There is value in the rule of practice for the court to avoid passing orders which may create administrative chaos in the department compelling them to revisit cases of antedated seniority involving the entire cadre and putting them in a melting pot. Moreover, the seniority of third party rights may be affected by any order passed by this Court on merits. It is pointed out by the learned counsel for the petitioner that initially both the petitioner and the 3rd respondent were appointed as Clerks by way of direct recruitment. However, the 3rd respondent had been allowed to change his line by order dated 14.04.1967 on the ground that he had passed the stenography test which qualified him to hold the higher post and was also confirmed as Steno-Typist on 10.04.1968. Thereafter, they had their different paths in marking their careers in service and, therefore, it cannot be said that 3rd respondent invaded the rights of the petitioner for promotions to the higher posts with avenues are available as per rules governing service.

For these reasons, I would not accept the petition being devoid of merit in trying to unsettle settled rights to seniority and therefore promotion based on seniority.

Dismissed.

26.10.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*