

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

CWP No. 13112 of 2016(O&M)

Date of decision: 28.7.2016

Raja Ram

... Petitioner

Versus

State of Haryana & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. R.K. Malik, Sr. Advocate, with
Ms. Rimple Kadyan, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

C.M. No.8633 of 2016

C.M. is allowed. Amended writ petition is taken on record.

CWP No. 13112 of 2016

In view of averments made in para 9-A of the amended petition there appears to be no doubt that the respondent-society is amenable to writ jurisdiction and qualifies as an authority under Article 226 of the Constitution. The sole grievance in this petition is that the name of the petitioner has not been shown in the seniority list of Lecturers issued by respondent No.2. The petitioner was offered appointment w.e.f. December 15, 2004 on January 31, 2007 upon a selection made by the Haryana Public Service Commission under the directions of this Court. The claim presently is for placement in seniority w.e.f. the year 2004. The petitioner made a representation dated March

5, 2013 bringing his grievance to the notice of the competent authority. The same has not been decided so far. The final seniority list was issued for the first time in 2013 and the petitioner's name as said before was not entered therein. This appears to be a case of omission and oversight.

Notice of motion.

On the asking of Court, Mr. Harish Rathee, Sr. D.A.G., Haryana, accepts notice on behalf of the official respondents and waives service on them. Ms. Rimple Kadyan, assisting counsel of Mr. Malik learned Senior counsel to supply one copy of the paper-book to Mr. Rathee and two extra in the office of the Advocate General, Haryana during the course of the day .

Notice need not be issued to the remaining non-official respondents in view of the nature of the orders proposed to be passed.

Instead of keeping this matter pending in motion hearing and awaiting reply of the State or of all the private respondents, in the considered view of this Court directions can be issued to finalize the representation as no prejudice will be caused to anyone if such a direction is issued to respondent No.2 commanding him to hear the petitioner and pass a final order and accordingly, insert the name of the petitioner at the correct position in the seniority list in accordance with the seniority rules and by legal fiction as the petitioners appointment was inordinately delayed for no fault of his. Let this exercise be done within 30 days from the date of receipt of a certified copy of this order. If the private respondents are required to be heard then the period shall stand extended by another month.

With these observations and directions, the petition stands
disposed of.

(RAJIV NARAIN RAINA)
JUDGE

28.7.2016
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