

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

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CWP No. 26682 of 2013 (O&M)

Date of decision: 13.12.2016

Food Corporation of India Handling-Workers' Union

.... Petitioner

Versus

Food Corporation of India and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Ashwani Bakshi, Advocate for the petitioner.

Mr. Manav Bajaj, Advocate and
Mr. Sumeet Goel, Advocate for the respondents.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has questioned the validity of the draft seniority list of contract labour in FCI depots under the notification dated 07.02.2011 for implementation of NWNP system at FSD, Palwal.

2. The petitioner-Food Corporation of India Handling-Worker's Union (for short 'Union') have questioned the validity of draft seniority list and sought for certain direction to the respondents to redetermine the seniority of all workers by taking into account the entire records like all attendance register, identity cards, gate entry passes, genuine payment sheets, the EPF record etc. Firstly, petition by the petitioner-Union is not maintainable for the reasons that their grievance is relating to seniority of contract labourers in Food Corporation of India depots. Seniority matter is relating to an individual service condition. Therefore, writ by the Union is

not maintainable. Further the Union has not impleaded the persons who are likely to be affected if the Annexure P4-draft seniority list of contract labourers is set aside. It was further noticed that the petitioner's union have approached this court questioning the validity of draft seniority list which is premature. The petitioner should have submitted their objections to the draft seniority list as and when final seniority list is published pursuant to the consideration of objections of the workers' if any.

3. On the other hand, learned counsel for the respondent submitted that on 23.05.2013 Annexure P4 draft seniority list of contract labour has been finalized vide Annexure R-14.

4. In view of these facts and circumstances, the petition is not maintainable. Petition stands dismissed reserving liberty to each individual member of the Union to question the validity of the final seniority list dated 23.05.2013 vide Annexure R-14.

13.12.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No