

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.8478 of 2012 (O&M)

Date of Decision: 27.07.2016

Suresh Kumar and others

... Petitioners

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Sanjiv Gupta, Advocate,
for the petitioners.

Ms. Shruti Jain Goel, AAG, Haryana.

Mr. R.K. Malik, Sr. Advocate,
with Ms. Rimple Soni Kadyan, Advocate,
for respondents No.4 to 6.

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

RAJIV NARAIN RAINA, J.(Oral)

In challenge to the seniority list on merit there appears to be no room to accommodate the claim of the petitioners who are reserve category candidates selected against backlog vacancies carried forward to the recruitment process which vacancies were advertised clubbed with other vacancies. The State has fixed inter se seniority on the basis of merit determined by the Haryana Public Service Commission and has given no advantage of claim for seniority prior to joining serviced and on becoming members of the Service.

Mr. Sanjiv Gupta in laying challenge to the seniority list has raised a large number of contentions but which ultimately and effectively fall on questioning the validity and vires of the Haryana Services of

Engineer Class-II Public Works Department (Irrigation Department), Rules, 1970 which test can only be performed in appropriate proceedings before the appropriate Bench as per roster.

In view of the above, Mr. Gupta's request for withdrawal of the petition with liberty to challenge the Rules before the Hon'ble Division Bench is accepted.

Dismissed as withdrawn with the aforesaid liberty.

(RAJIV NARAIN RAINA)
JUDGE

27.07.2016
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