

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.872 of 2015 (O&M)

Date of Decision: 24.05.2016

Registrar-General, Punjab & Haryana
High Court, Chandigarh & Anr.

... Appellants

VS.

Chander Bhan

... Respondent

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE A.B. CHAUDHARI**

Present: Mr. Vikas Chatrath, Advocate for the appellants

Mr. Joginder Pal Sharma, Advocate for the respondent

SURYA KANT, J. (Oral)

(1) This Letters Patent Appeal is directed against the order dated 13.01.2015 whereby learned Single Judge has allowed the respondent's writ petition with a direction to consider his claim for age relaxation in terms of the Circular dated 01.06.1982 as and when a new post is sought to be filled up and that he would be "*certainly entitled for treatment on priority basis against the new posts which are created in another Session Division...*".

(2) The respondent was appointed as a Steno-typist (English) on contract basis on 08.10.2001 in the office of District & Sessions Judge, Narnaul. He served as such for almost 11 years when his services were dispensed with vide order dated 08.10.2012 due to abolition of a Court at Narnaul.

(3) The respondent challenged the above-stated order terminating his services before this Court vide order under appeal and the learned Single Judge has accepted his claim to the extent noticed in the opening part of this order.

(4) Having heard learned counsel for the parties, it appears to us that the order of learned Single Judge needs to be modified to the extent that the priority treatment will be given to the respondent only if other employees who were rendered surplus especially those who were working on regular basis and who had served for a longer duration than the respondent, are firstly adjusted. In other words, there would be a priority list based upon the total length of service and the date of retrenchment/termination of services and as per such working seniority list, the competent authority shall consider the respondent's claim after granting him age relaxation in terms of the circular dated 01.06.1982.

(5) With these clarifications and observation, the appeal stand disposed of.

(Surya Kant)
Judge

24.05.2016
vishal shonkar

(A.B. Chaudhari)
Judge