

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

CWP No.5382 of 1995

Date of Decision:27.02.2017

Krishan Chander and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Ranjit Saini, Advocate for the petitioners.

Mr. Harish Rathee, Sr. D.A.G. Haryana.

Mr. R.K. Malik, Sr. Advocate with
Mr. Tejpal Dhull, Advocate for respondents No.3 to 27.

P.B. BAJANTHRI J. (Oral)

In the instant petition, the petitioners have questioned the validity of the seniority list of clerks and steno-typist vide Annexure P-2.

The petitioners' grievance is that the post of clerks and steno-typists are two different cadre. Therefore, seniority list (Annexure P-2) which is combinedly prepared and notified on 24.3.1995 is illegal. It was further submitted that next promotion post to the post of steno-typist and clerk is Assistant. For the purpose of promotion to the post of Assistant combined seniority list is required to be prepared in respect of length of service in the respective cadre. In the absence of seniority list of clerk and steno-typist, they proceeded to prepare combined seniority list on 24.3.1995 ignoring the length of service of the steno-typist cadre persons like the petitioners.

It is undisputed that petitioners have entered steno-typist cadre earlier to serial No.14 to 41. Therefore, in the combined seniority list dated 24.3.1995 names of the clerks and steno-typist should have been with

reference to length of service in the respective cadre. The Director, Sports and Youth Welfare Department while publishing the seniority list dated 24.3.1995 have ignored the principle of length of service in the respective cadre where combined seniority list is required to be prepared.

Accordingly, Annexure P-2 dated 24.3.1995 is set aside. The Director, Sports and Youth Welfare Department is directed to prepare seniority list of each cadre namely clerks and steno-typists and thereafter prepare a combined seniority list with reference to length of service rendered by clerks or steno-typist under the respective cadre and review of the promotion if promotions have been granted to the post of Assistant and grant promotion to the petitioners on par with their juniors while extending all service benefits including monetary benefits for the intervening period. If the vacancies are not available in such event postpone the date of promotion of juniors to the petitioners in accordance with law. The above exercise shall be completed within a period of three months from today.

Petition stands disposed of.

27.02.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**