

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.7530 of 1997 (O&M)
Date of Decision:-11.08.2017.

Sukhdev Raj and others

.....Petitioner

Versus

Bhakra Beas Management Board and others

.....Respondents

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

Present: Mr. Amarjit Singh, Advocate for the petitioner.

Mr. Sant Kashyap, Advocate for
Mr. Arun Nehra, Advocate for the respondents.

P.B. BAJANTHRI, J. (Oral)

In the present petition, petitioner has challenged the validity of Annexure P-10 order dated 05.12.1996 by which his grievance relating to seniority in the Power Wing is to be rectified to the extent of counting the service rendered in the Irrigation Wing during the period from 01.04.1953 to 30.03.1984.

Petitioner was appointed in the Irrigation Wing on 01.04.1953 as a work charge employee. His services were dispensed on 24.04.1968. Thereafter, once again, his services were engaged as a work charge employee on 25.4.1968. While working as such, his services were retrenched on 30.3.1984. Once again he was appointed on 08.05.1984 and attained the age of superannuation and retired from service on 30.04.1990.

Short question for consideration in the present petition is

whether the petitioner is entitled to count the service rendered between

01.04.1953 to 30.03.1984 for the purpose of seniority or not. Undisputedly, petitioner's services were retrenched on 30.03.1984 which has attained finality. He has not challenged the retrenchment as and when he was appointed on 08.04.1984. Hence, question of counting the previous service do not arise as long as retrenchment order is not cancelled by the competent authority or Court. Even to this day, retrenchment order dated 30.03.1984 is intact. Therefore, petitioner has not made out a case so as to interfere with order dated 05.12.1996 (Annexure P-10). Order dated 05.12.1996 (Annexure P-10) no doubt do not disclose with appropriate reason as to why the petitioner is not entitled to count service rendered from 01.04.1953 to 30.03.1984. However actual reason is retrenchment and appointed afresh. Having regard to the facts and circumstances, petitioner is not entitled to count the service towards seniority and other benefits.

Petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

August 11, 2017.
sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.