

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

(1.)

CWP No.20680 of 2015  
Date of Decision:-24.01.2017.

Amarjit Singh and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

(2.)

CWP No.17977 of 2015  
Date of Decision:-24.01.2017.

Gurnam Singh and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

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

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Present: Mr. Raj Kumar, Advocate for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana.

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**P.B. BAJANTHRI, J. (Oral)**

1.) By this order, CWP Nos.20680 and 17977 of 2015 shall be decided as the point in issue involved in both the petitions is similar. For brevity, facts are being extracted from CWP No.20680 of 2015.

2.) In the present writ petitions, petitioners have questioned the

validity of the order dated 9.6.2015 (Annexure P-8) and further sought for a direction to the respondents to consider their representations dated 25.6.2012 read with the order of this Court dated 12.2.2003 (Annexure P-2).

3.) Petitioners are candidates for recruitment to the post of Patwari in the year 1983. The petitioners were not selected. Feeling aggrieved by their non-selection, they have approached this Court whereas the selected candidates pursuant to the advertisement to the post of Patwari were appointed in the month of January, 1986. The petitioners' writ petitions was disposed of on 12.2.2003 vide Annexure P-2 in which it is recorded as follows:-

*“Mr. Dahiya states that the records of the selection are not available in the concerned office. He, therefore, states that he has been asked to give an undertaking that the petitioners shall be sent to the immediately next Patwar Training Course which is likely to be held either this year or in the next year. He further undertakes that the requirement of age in the case of the petitioners shall be relaxed while making appointments to the post of Patwaris. For claiming any other consequential relief, the petitioners shall be at liberty to make representation before the appropriate authority in accordance with law.”*

4.) The petitioners were sent for training pursuant to the undertaking given on behalf of the State to the post of Patwaris. Thereafter, they were appointed on 28.5.2009 on probation for a period of 2 years. After completion of probation period, the petitioners submitted representations to extend the benefit of seniority and other benefits on par with the persons who were appointed in the month of January, 1986. For non-consideration of the petitioners' representation, they have approached

this Court and this Court disposed of their CWP No.5447 of 2015 on 20.5.2015 directing the respondents to pass a speaking order. Thus, the respondents have passed a speaking order stating that the petitioners were appointed in the year 2009 and in their appointment order there is a condition in respect of seniority that is with reference to Rule 15 of the Haryana Revenue Patwari (Group 'C') Service Rules. Thus, the petitioners are aggrieved by the order dated 9.6.2015 by which their claim for seniority from the date of others who were appointed in the month of January, 1986 has been turned down. Hence, the present petitions.

5.) Learned counsel for the petitioners submitted that for want of selection records, the petitioners' case was not considered on merit when CWP No.3363 of 1984 was decided by this Court. Thus, the petitioners are entitled to service benefits with reference to the appointees pursuant to the advertisement issued in the month of November, 1983 to the post of Patwari. For no fault of the petitioners, they should not be denied the service benefits from the year 1986. There is a delay on the part of the respondents in not issuing appointment orders for about 6 years from the date of disposal of CWP No.3363 of 1984. Thus, at each and every stage, there is a lapse on the part of the State Government/concerned Department. Therefore, denial of service benefits from January, 1986 for the purpose of seniority and for extending other service benefits except arrears of salary is arbitrary and illegal.

6.) On the other hand, learned counsel for the respondents submitted that no doubt it is true that the records were not available at the time of disposal of CWP No.3363 of 1984. For that purpose, the respondents-State have given undertaking before this Court that the

petitioners' case would be considered for selection and appointment to the post of Patwaris and they have been sent for training in the year 2007 and subsequently, they were appointed in the year 2009. Further it was pointed out by learned counsel for the respondents that their appointment order is very specific with a condition that their seniority would be governed by Rule 15 of the Haryana Revenue Patwari (Group 'C') service rules and the service in the cadre of Patwari would be considered from the date of entry into service. Therefore, the petitioners are not entitled to seniority prior to the date of entry into service i.e. prior to 28.5.2009. Further it was contended that there is a delay and laches on the part of the petitioners in respect of claiming their seniority and other benefits for the reasons that as on 28.5.2009, the date on which the appointment orders were issued the respondents have made it clear that seniority is governed by Rule 15 of the aforesaid rules. Hence, cause of action accrued to the petitioners on 28.5.2009 and the representation was submitted to the respondents on 7.11.2012 i.e. much after their completion of probation period. Therefore, the petitioners have not made out a case so as to interfere with the impugned order dated 9.6.2015.

7.) Heard learned counsel for the parties.

8.) Question for consideration in the present petition is whether the petitioners are entitled to seniority and other notional service benefits from the 1986. Admittedly, the petitioners were appointed on 28.5.2009 with the condition that *"9. Your seniority will be determined in accordance with rule 15 of the Haryana Revenue Patwari (Group-C) service rules"*. Having regard to the condition imposed in the order of appointment, the petitioners had cause of action on 28.5.2009 as and when appointment orders were

issued. That condition is binding on the petitioners. Further during the period from 1986 to 28.5.2009, it is learnt that the Patwaris' selection and appointments have taken place. If the petitioners are extended the benefit of seniority from 1986, the rights of those Patwaris who were recruited between the 1986 to 2009 would be affected. Thus, the petitioners have not questioned the seniority list incorporating their names while giving the date of entry into service as on 28.5.2009. Further the petitioners have failed to approach this Court as and when conditional appointment order was issued. That apart even they did not approach this Court when they have completed their probation period in the year 2011. Having regard to the conduct of the petitioners and so also in not challenging the condition imposed in the order of appointment read with not challenging the seniority list of Patwaris, petitioners have not made out a case so as interfere with the impugned order.

9.) Accordingly, petitions stand dismissed.

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

**January 24, 2017.**  
*sandeep sethi*

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.