

In the High Court of Punjab and Haryana at Chandigarh

C.W.P. No. 25246 of 2015 (O&M)

Date of Decision: March 16, 2017

Hari Om Mudgil and others

... Petitioners

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Ashish Aggarwal, Sr. Advocate with
Ms. Aakriti Malik, Advocate,
for the petitioners.

Dr. Sushil Gautam, DAG, Haryana.

Mr. Puneet Jindal, Sr. Advocate with
Mr. Harish Nain, Advocate,
for respondents no.2 and 3.

Mr. Suresh K. Kaushik, Advocate,
for respondents no. 4, 16 and 17.

P.B. Bajanthri, J. (Oral)

1. In the instant writ petition, petitioners have questioned the communications dated 05.11.2015 and 10.11.2015 issued by respondents no. 2 and 3 insofar as keeping in abeyance the final seniority list of Operator Grade-I dated 25.07.2014.

2. The petitioners and private respondents are stated to have been in the cadre of Operator Grade-I in the Haryana Power Generation Corporation Limited. From the date of entry into service, the official respondents have not finalised the seniority list of Operator Grade-I. On 11.04.1991, they prepared a draft joint tentative seniority list while inviting

objections from likely to be affected. It seems that petitioners submitted objections on 19.04.1991. Thereafter, till 25.07.2014, the official respondents have not notified the final seniority list. On the other hand on 25.07.2014 the official respondents notified the tentative seniority list. On 25.07.2014 itself stated to be a final seniority list of Operator Grade-I has been published. In this background, the private respondents are stated to have submitted their objections stating that certain errors have been committed while publishing the seniority list on 25.07.2014. The same has been taken into consideration by the official respondents. Thus, the seniority list dated 25.07.2014 has been kept in abeyance. The petitioners are aggrieved by keeping in abeyance of the seniority list dated 25.07.2014. Hence, presented the present writ petition.

3. Short question for consideration in the present petition is whether keeping in abeyance of final seniority list could be interfered by this Court or not?

4. The official respondents have kept in abeyance the seniority list of Operator Grade-I and it has not attained the finality either to modify the seniority list dated 25.07.2014 or to cancel or review unless and until order dated 05.11.2015 is finalized by the official respondents. The petitioners have no grouse against keeping the final seniority list in abeyance dated 05.11.2015. At the best they could have approached the competent authority to withdraw the order of keeping in abeyance of seniority list dated 25.07.2014. Till date they have not submitted their representations or applications to seek the concerned authority to withdraw the communication dated 05.11.2015 by which the official respondents have kept in abeyance the seniority list. If the petitioners make necessary applications or

representations, the official respondents are bound to consider and pass a speaking order. The petitioners are permitted to file their representations or applications insofar as letter dated 05.11.2015 (Annexure P/14) within a period of four weeks from today. The concerned official respondents are directed to consider their representations or applications and so also consider the private respondents' objections against seniority list dated 25.07.2014. The above exercise shall be completed by the official respondents within a period of four months from the date of receipt of applications/representations by either of the parties. Any promotion to higher cadre while operating the seniority list dated 11.04.1991 is subject to result of the representations / applications. Further, if official respondents in the intervening period intend to promote any of the Operator Grade-I to next higher cadre, they are required to follow seniority list dated 25.07.2014 for the reasons that in the case of **Govt. of A.P. vs. Venugopala Rao, (1995)1 SCC 179**, Supreme Court has held that list is required to be operated as an interim measure.

5. Instant writ petition is disposed of with the above observations.

March 16, 2017
vkd

[P.B. Bajanthri]
Judge

Whether speaking / reasoned : Yes

Whether reportable : No