

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

**CWP No.7563 of 2016 (O&M)
Date of Decision : 09.05.2017**

Bhupender Pal Singh and others Petitioners

Versus

State of Haryana and others Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. R.K.Malik, Senior Advocate with
Mr. T.P.S.Dhull, Advocate
for the petitioners.

Mr. Pritam Saini, Addl. A.G., Haryana.

Mr. Jagbir Malik, Advocate
for respondent No.6.

AJAY TEWARI, J. (Oral)

This petition has been filed for quashing the decision taken by respondents No.2 to 4 through written statement dated 18.04.2016 filed in CWP No.888 of 2016 by ignoring the statutory rules/decision taken by the Chief Secretary/Haryana Staff Selection Commission and L.R. and for declaration that the petitioners are senior to the private respondents No.6 to 11.

The brief facts of the case are that originally an advertisement No.7/2006 was issued on 14.09.2006. In category No.12 of that advertisement, 8 posts of Principal Grade-B of ITI were advertised and in category No.13, 6 posts also of ITI Principal Grade-B (but for women) were advertised. Subsequently vide corrigendum dated 17.12.2006, 6 more posts were added to category No.12.

The selection for both these categories was separately done. Appointment letters were issued separately and it is admitted that selectees of category No.12 joined in the month of May and June, 2007 while the selectees of category No.13 joined subsequently. The women selectees of category No.13 filed representations claiming that they should be shown senior to the selectees of category No.12. One of them-respondent No.6-Poonam Sheoran filed CWP No.888 of 2016 seeking that she be declared senior to the present petitioners. In that writ petition the State-respondent filed a written statement whereby it was stated that on considering the representation of the women selectees it had been decided to make a combined merit list and fix the seniority accordingly. It is that decision which has been challenged in this writ petition. Various grounds have been taken to attack the decision on merits and on the other side also various grounds have been taken to defend it. One legal objection which has been taken by the State and the private respondents is that till date there is no final order and consequently the present petition is pre-mature. On the other hand this is sought to be refuted by the learned counsel for the petitioner by arguing that once the Principal Secretary, Department of Industrial Training has taken a decision in a particular manner it is a fait accompli and no different action will be taken when the seniority list is finalized. As per the learned counsel for the petitioners, the petitioners have since been promoted to higher posts and it is now only a matter of time before a fresh seniority list is issued and they would be reverted.

Learned State counsel has proposed what seems to be a fair and

Secretary, Haryana after obtaining views and giving hearing to all the affected persons. This way the apprehension of the petitioners would also be allayed and the private respondents would also feel satisfied that the top functionary of the State has decided their claim.

I find it to be a fair submission. In the circumstances, it is directed that the issue regarding the seniority of the petitioners and the private respondents would be decided by the Chief Secretary, Haryana after obtaining written submissions from both sets of employees and after providing hearing to them. He would thereafter pass a reasoned order. Till then the interim order will continue. It is further clarified that if any of the private respondents have become entitled for promotion without disturbing the petitioners (as per the original seniority list) the interim order will not stand in their way.

Petition stands disposed of.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

09.05.2017
Pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No