

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.7378 of 2017

Date of Decision:-17.04.2017.

Ram Niwas (XEN) and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Mukul Aggarwal, Advocate for the petitioners.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant writ petition, the petitioners have questioned the memo dated 31.1.2017 (Annexure P-64) by which the concerned respondent has issued revised tentative seniority list of Assistant Engineer/Electrical of DHBVN as it stood on 31.12.2009. Perusal of Annexure P-64 dated 31.1.2017, it is evident that it is only a revised tentative seniority list of Assistant Engineer/Electrical of DHBVN as it stood on 31.12.2009. An extract of the memo dated 31.1.2017 reads as under:-

“To

- 1. All CEs in DHBVN,*
- 2. All SEs in DHBVN,*
- 3. All XENs in DHBVN,*
- 4. All SDOs in DHBVN.*

Memo No.Ch.131/DHGE-169/Vol-VI

Dated 31.01.2017

***Subject: Revised tentative seniority list of
AE/Electrical of DHBVN as it stood on 31.12.2009.***

This is in continuation of this memo No.Ch 5/DHGE-169/VI dated 19.9.2016 vide which tentative seniority list of AE/Electrical was circulated and accordingly objections were invited from the effected officers. Now all the legitimate grievances have been settled and tentative seniority list of AE/Electrical as it stood on 31/12/2009 is enclosed herewith in view of judgment of Hon'ble Pb & Haryana High Court dated 30/11/2016 in CWP No 24656 of 2016 titled as Robin Khokha and Others V/s DHBVN & Others.

The said seniority list is to be circulated subject to the outcome of various petitions pending on the issue of seniority as well as outcome of CWP No.25656 of 2016 for uploading the same on official website of Nigam i.e. www.dhbvn.org.in.

All other terms and conditions laid down in memo under reference will remain unchanged.

This issues with the approval of Chairman-cum-Managing Director, DHBVN, Hisar.

DA/As above

***Under Secretary/HR-I
For CMD DHBVN, Hisar”***

2.) Learned counsel for the petitioners vehemently contended that the above memo dated 31.1.2017 is final seniority list. Thus, he is aggrieved by the ranking assigned in the said seniority list of Assistant Engineer/Electrical. Reading of the above subject as well as contents, nowhere it is stated that it is a final seniority list of Assistant Engineer/Electrical of DHBVN as it stood on 31.12.2009. If it is a final seniority list, then there would have been discussion of issuance of tentative seniority list and so also consideration of objections, if any, by the Assistant Engineers/employees if they are aggrieved. That apart subject itself

discloses that “*Revised tentative seniority list of Assistant Engineers/Electrical of DHBVN as it stood on 31.12.2009*”. Therefore, it is only a revised tentative seniority list for which the petitioner if at all he is aggrieved by the same he has to file necessary objections pointing out the error committed while preparing the revised tentative seniority list of Assistant Engineers/Electrical. Therefore, the writ petition is premature. Hence, petition stands dismissed.

3.) Dismissal of this writ petition would not come in the way of petitioner to file his necessary objections to the revised tentative seniority list vide memo No.31.1.2017 within a period of 4 weeks from today. If such objections are filed, the same shall be considered by the competent authority before finalizing the revised tentative seniority list of Assistant Engineer/Electrical of DHBVN as it stood on 31.12.2009. Since the Revised tentative seniority list dated 31.1.2017 do not invite objections from the likely to be affected Assistant Engineers or employees, therefore, the competent authority is directed to issue necessary corrigendum to invite objections from them, so as to finalize the revised tentative seniority list dated 31.1.2017 by giving sufficient time to the concerned employees. The above exercise shall be completed at the earliest.

(P.B. BAJANTHRI)
JUDGE

April 17, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.