

CM-2119-2120-LPA-2017 in/and
LPA-989-2017 (O&M)

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HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-2119-2120-LPA-2017 in/and
LPA-989-2017 (O&M)
Date of Decision: June 02, 2017

Anil Kumar

.....Appellant

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE HARI PAL VERMA

- | | | |
|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.D.S.Patwalia, Sr.Advocate with
Mr.Aalok Jagga, Advocate
for the appellant.

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SURYA KANT, J.

CM-2119-LPA-2017

For the reasons mentioned in the application, the same is
allowed and the delay of 17 days fin filing the appeal is condoned.

CM stands disposed of.

LPA-989-2017(O&M)

The seniority dispute between the appellant and the private
respondent in the cadre of Patwari was decided by the Collector, Jhajjar
against the appellant. He challenged that seniority list in an 'appeal' before
the Commissioner, Rohtak Division, Rohtak, which was accepted vide order
dated 31.12.2012.

seniority dispute in favour of the appellant has been set aside by learned Single Judge on the ground that under the Rules, the Commissioner has no power to entertain such appeal.

[3] Learned counsel for the appellant points out that the original seniority list finalised by the Collector, Jhajjar as on 01.01.2009 was subject matter of challenge before this Court in CWP No.16334 of 2012 but the said writ petition was disposed of as infructuous as meanwhile the appellant's appeal was accepted by the Commissioner, Rohtak Division, Rohtak, on 31.12.2012. Since learned Single Judge has vide order under appeal granted liberty to the appellant to challenge the seniority list finalised by the Collector, Jhajjar, he seeks liberty for the revival of the above-stated writ petition.

[4] We find merit in the contention. The appellant cannot be left remedy-less against the original seniority list dated 01.01.2009. Consequently, the instant appeal is disposed of with liberty to the appellant to seek revival of C.W.P. No. 16334 of 2012 in which the said seniority list was earlier under challenge. It is clarified that we have not expressed any views on the question of law as to whether or not the Commissioner, Rohtak Division, Rohtak, was competent to decide the seniority list.

**(SURYA KANT)
JUDGE**

June 02, 2017

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**(HARI PAL VERMA)
JUDGE**

- 1. Whether speaking/reasoned ?**
- 2. Whether reportable ?**

**Yes/No
Yes/No**