

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101

CWP-4804-2003(O&M)

Date of Decision: May 23, 2018

Bijender Singh and another

.....Petitioners

versus

State of Haryana and another

.....Respondents.

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Y.P. Malik, Advocate for the petitioners.

Mr. Hitesh Pandhit, Addl. A.G. Haryana.

Sudhir Mittal, J. (Oral)

The petitioners seek quashing of order dated 24.09.2001 (Annexure P-3), whereby their services have been regularised with effect from 01.09.2001 instead of 01.02.1996

2. The petitioners were appointed as Conductors through Employment Exchange on daily wages. Their grievance is that their juniors have been regularised with effect from an earlier date. The writ petition was admitted. Subsequently, an application was moved for allowing the writ petition in terms of order dated 28.08.2012, passed in **LPA No.1236 of 2012.** Similarly situated persons as the petitioners were granted the benefit of regularization with effect from 01.02.1996.

3. The State has filed reply affidavit to the said application and has submitted that the persons to whom the petitioners claimed to be seniors are in fact senior to the petitioners. Reliance has been placed upon seniority list, drawn up in the year 1988.

4. Learned counsel for the petitioners on the other hand submits that the seniority list of 1988, is not relevant as in the year 1989, the services of all the *ad hoc* Conductors, employed in the year 1988, were terminated. Thereafter, they were given fresh appointment in the year 1992 and on the basis of said appointment, a seniority list was drawn up, which is placed on record as Annexure P-8. In the said list, the petitioners have been shown as senior to the persons whom the State claims to be actually senior to the petitioners.

5. I am satisfied that the seniority list Annexure P-8, has to be prevailed over the seniority list of the year 1988. The said seniority list was placed on record alongwith the replication but till the filing of the aforementioned application, the said seniority list has not been controverted. Moreover, the said seniority list makes it clear that it was prepared after the fresh appointment in the year 1992 and therefore, the petitioners are entitled to be treated as seniors.

6. In view of the above, the writ petition is allowed in terms of judgment dated 28.08.2012 passed in LPA No. 1236 of 2012, alongwith the consequent benefits, which shall be released to the petitioners within a period of four weeks from the date of receipt of a certified copy of this order.

May 23, 2018

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No