

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.11805 of 2003 (O&M)
Date of Decision: 24.08.2018

Sunil Kumar and others

... Petitioners

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. B.S. Patwalia, Advocate,
for the petitioners.

Ms. Shruti Jain Goyal, DAG, Haryana.

Mr. Harpreet Singh Maan, Advocate,
for Mr. Rajinder Goyal, Advocate,
for respondents No.34.

RAJIV NARAIN RAINA, J.(Oral)

1. The petitioners are persons identically placed as the respondents in *Ishwar Singh and others v. State of Haryana and others* (CWP No.5970 of 2000) and connected case bearing CWP No.5926 of 2000 which petitions were dismissed by the Division Bench on December 12, 2001. Court held that in the matter of seniority, the persons who have been regularized under the policy instructions from a particular date would rank junior to those who were directly recruited and in whose cases recommendations were made by the recruiting agency prior to the induction of the persons regularized and, therefore, the Government was correct in assigning higher seniority positions to the recommendees than those who have been regularized. The date of recommendation in direct recruitment process was accepted as a crucial date to determine inter se seniority amongst the regularized and the regular recruits even though the actual

appointments came later. The decision of the Division Bench has been upheld by the Supreme Court in Civil Appeal No.3364 of 2007, *Ishwar Singh and others v. State of Haryana and others* by order dated July 14, 2011. The Supreme Court found no infirmity in the orders of the Division Bench of this Court.

2. As a result, this petition has to meet the same fate and is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

24.08.2018

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No