

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 18883 of 2003 (O&M)

Date of Decision: 13.07.2018

Ashok Kumar Manju and others

...Petitioners

Vs.

KCCB Limited and others

...Respondents

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

Present: Mr. I.D. Singla, Advocate,
for the petitioner.

Mr. R.S. Rana, Advocate
for respondent No.1.

Mr. Harish Rathee, Senior DAG Haryana.

Mr. B.K. Bagri, Adocate
for respondent Nos. 4 to 11.

RAJIV NARAIN RAINA, J. (Oral)

1. Learned counsel for the petitioners is correct in his assertion that this matter is covered by the decision of this Court in CWP No. 517 of 1994, Om Parkash Sharma and others Vs. The Kurukshetra Central Cooperative Bank Limited, Kurukshetra and others and connected case CWP No. 525 of 1994, Krishan Singh and others Vs. The Kaithal Central Cooperative Bank Limited, Kaithal and others decided on 01.10.2014, whereby learned Single judge of this Court quashed the seniority list of Clerks by deducting the period of ad hoc service from regular service.

2. The petitioners in the aforesaid two writ petitions were

declared senior to the private respondents. The Court ordered that natural consequences would follow. The official respondent was directed to issue the correct seniority list and release all the consequential service benefits to the petitioners. The case of the respondents in this case are on par with the private respondents in that case, and, therefore, must receive the same direction.

3. It may be noted that learned Single Judge noticed Rule 12 of the Haryana State Central Cooperative Bank's Staff Service (Common Cadre) Rules, 1975 which prescribes the method of fixation of seniority. The rule is reproduced as reads as follows:

“12. Fixation of Seniority

12.1 The seniority in case of direct recruitment shall be determined by the appointing authority at the time of appointment to the service for particular category of service.

12.2 Seniority of employees, who are already in regular service of the Bank on the date on which these Rules come into force shall be determined according to the date of joining in that category of post.”

4. Accordingly, the private respondents who are not found to be members of the cadre when the petitioners came to be promoted as Clerks there is left no scope whatsoever to place the private respondents over and above the names of the petitioners in the seniority list. That

seniority list stands quashed.

5. In the upshot, the petition is allowed with consequential service benefits on the basis of revised seniority list, which if not issued so far, shall be drawn expeditiously. The consequential orders in favour of the petitioners be passed within three months from the date of the receiving of the certified copy of the order.

6. Disposed of with the above directions.

(RAJIV NARAIN RAINA)
JUDGE

13.07.2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No