

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 11086 of 2015

Date of Decision: 11.10.2018

Parkash Chand Dogra

...Petitioner

Vs.

State of Haryana and others

...Respondents

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

Present: None for the petitioner.

Mr. Harish Rathee, Senior DAG Haryana.

RAJIV NARAIN RAINA, J. (Oral)

The Deputy Commandant General Home Guards & Deputy
Director Civil Defence, Haryana passed the order dated 10.07.2017
(Annex. R-2/2) which is reproduced below:

*“After consideration the representation given by Sh.
Parkash Chand Dogra, Pipe Band Naik O/o Combind
Training Institute, Home Guards & Civil Defence, Haryana
Panchkula regarding his seniority in which he has claimed
his seniority above Sh. Chhama Ram, Pipe Band Naik O/o
Combind Training Institute, Home Guards & Civil Defence,
Haryana, Panchkula. All records of both the employees
were examined and undersigned has found that Sh Parkash
Chand Dogra and Sh. Chhama Ram both the employees
entered into Govt. service on the same day/date and Sh.*

Parkash Chand Dogra is elder in age than Sh. Chhama Ram.

On the basis above mention situation. The undersigned authority has reached on the decision that Sh. Parkash Chand Dogra is considered senior to Sh. Chhama Ram.

This seniority will come into force from the current time and no benefits of past service regarding seniority will be given to him.

Order will come into force from current.”

By this order, the petitioner was ranked senior to Chhama Ram, Pipe Band Naik O/o Combined Training Institute, Home Guards & Civil Defence, Haryana, Panchkula. This order was recalled by the Commandant General Home Guards & Director Civil Defence, Haryana by order dated 04.08.2014 (Annex. R-2/3) which is reproduced as follows:

“Sh. Chhama Ram, Pipe Band Naik O/o Combined Training Institute, Home Guards & Civil Defence, Haryana Panchkula has give a representation regarding his seniority. After consideration over the representation and examining the full record of both the employees Commandant General, Home Guards & Director, Civil Defence has reached on the decision that earlier order of

H.Q. 10255-60 dated 10.07.2014 is deemed to be withdrawn and State H.Q. Order No. 3597 dated 25.03.2014 stand is force. As the seniority has not been changed after the so long period of 33 years. So, as earlier, Sh. Chhama Ram, Pipe Band Naik will remain senior to Sh. Parkash Chand Dogra , Pipe Band Naik”.

The mistake has been corrected and the claim has been denied and it has been ordered that *inter se* seniority cannot be changed after a lapse of 33 years.

Chhama Ram will remain senior to the present petitioner. In matters of seniority dispute, the approach for legal redress should be within reasonable time. The Supreme Court had advised in P.S. Sadasivaswamy Vs. State of Tamil Nadu 1975 (1) SCC 152 that issues of seniority should be adjudicated within a period of six months to one year. See also the decision of Supreme Court in B.S. Bajwa Vs. State of Punjab and others (1998) 2 SCC 523 in the same time. This petition suffers from delay and laches. The order Annex. R-2/3 is upheld and the petition is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

11.10.2018

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