

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(1)

CWP-15412-2013
Date of decision: 01.08.2018

ANUPAMA @ ANUPAMA SINGHPetitioner

V/S

STATE OF HARYANA AND ORSRespondents

(2)

CWP-15413-2013

KRISHNA JAGLANPetitioner

V/S

STATE OF HARYANA AND ORSRespondents

(3)

CWP-15414-2013

MEENA SHARMAPetitioner

V/S

STATE OF HARYANA AND ORSRespondents

(4)

CWP-15416-2013

SUNITA GOGIAPetitioner

V/S

STATE OF HARYANA AND ORSRespondents

(5)

CWP-15417-2013

CHARANJEET KAURPetitioner

V/S

STATE OF HARYANA AND ORSRespondents

(6)	CWP-15418-2013
(O&M)	
ANITA NAIN	Petitioner
V/S	
STATE OF HARYANA AND ORS	Respondents
(7)	CWP-15419-2013
KAMLESH GARG	Petitioner
V/S	
STATE OF HARYANA AND ORS	Respondents
(8)	CWP-15420-2013
SAVITA	Petitioner
V/S	
STATE OF HARYANA AND ORS	Respondents
(9)	CWP-15421-2013
ARUN LATA	Petitioner
V/S	
STATE OF HARYANA AND ORS	Respondents
(10)	CWP-15423-2013
CHANDER KANTA	Petitioner
V/S	
STATE OF HARYANA AND ORS	Respondents
(11)	CWP-15424-2013
SATINDER KAUR	Petitioner
V/S	
STATE OF HARYANA AND ORS	Respondents

(12)	CWP-15425-2013
JEET KAUR	Petitioner
V/S	
STATE OF HARYANA AND ORS	Respondents
(13)	CWP-15426-2013
USHA RANI @ USHA ROOPLI	Petitioner
V/S	
STATE OF HARYANA AND ORS	Respondents
(14)	CWP-15427-2013
SWARN KANTA	Petitioner
V/S	
STATE OF HARYANA AND ORS	Respondents
(15)	CWP-15428-2013
SANTOSH NAIN	Petitioner
V/S	
STATE OF HARYANA AND ORS	Respondents
(16)	CWP-15429-2013
POONAM JAIN	Petitioner
V/S	
STATE OF HARYANA AND ORS	Respondents
(17)	CWP-15432-2013
RASHIMA BALA SHARMA @ RASHIMA	Petitioner
V/S	
STATE OF HARYANA AND ORS	Respondents

- (18) CWP-15433-2013
ANITA SHARMAPetitioner
V/S
STATE OF HARYANA AND ORSRespondents
- (19) CWP-15444-2013
OMWATIPetitioner
V/S
STATE OF HARYANA AND ORSRespondents
- (20) CWP-19996-2013
POONAM KAPOORPetitioner
V/S
STATE OF HARYANA & ORSRespondents
- (21) CWP-20147-2013
BABITA RANIPetitioner
V/S
STATE OF HARYANA & ORSRespondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Shudanshu Goel, Advocate for
Mr.J.K.Goel, Advocate and
Ms.Paramjeet Kaur Goel, Advocate, for the petitioner(s).

Mr.Hitesh Pandit, Addl.A.G.haryana.

RITU BAHRI, J. (ORAL)

The petitioners are seeking issuance of a writ in the nature of certiorari for setting aside the impugned order dated 04.06.2013 (Annexure P-2) passed by departmental promotion Committee, Secretary to Government of Haryana, Women and Child Development Department

illegally and arbitrarily rejecting the case of the petitioner for promotion to the post of Women and Child Development Project officer (Group B Gazetted) from the date her juniors have been promoted.

Heard counsel for the parties.

As per judgment of Supreme Court in the case of State of Haryana Vs. Vijay Singh and others passed in Civil Appeal No.5947 of 2012 (Annexure R-II), in which it was held that since the respondents were appointed purely on adhoc basis and continued to serve as such till their regularization, their service from the date of initial adhoc appointment cannot be counted for the purpose of seniority. The Hon'ble Supreme Court has examined the notification dated 28.01.1970 issued by the Governor of Haryana under Article 309 of the Constitution where, all the appointments have to be made by Subordinate Services Selection Board to non-gazetted Class III posts and subsequent instructions dated 29.06.1973 also provides that appointments to Class III posts by Board in this back drop any appointment is given by the District Selection Committee could not be extended benefit of service. A judgment has been referred by the petitioners in the case of Smt.Madhu Pathak Vs. State of Haryana through Collector, Karnal passed in Civil Suit No.779 of 2012 wherein, it was decreed and in appeal it was dismissed on 13.10.2014 by Additional District Karnal on the same matter.

In the present case, petitioner was appointed as Supervisor in the office of erstwhile Social Welfare Department on 18.03.1985 purely on adhoc basis. Her adhoc services were regularized w.e.f. 30.09.1988. Hence, her name in the seniority list figured at Sr.No.138 which is absolutely right

the seniority list were recommended by the Subordinate Service Selection Board vide letter No.SSSB (Conf.)-88/408 dated 29.07.1988 (Annexure R-1). In this regard, it is stated that under Rule-11 of Haryana Women and Child Department (Group-C) Service Rules, 1997 the following provisions are contained which is reproduced below:

“Seniority, inter se of members of the service shall be determined by the length of continuous service on any post in the service:

Provided that where there are different cadres in the service, the seniority shall be determined separately for each cadre:

Provided further that in the case of members appointed by direct recruitment, the order of merit determined by the board or any other recruiting authority, shall not be disturbed in fixing the seniority”

Further, it is submitted that according to Chief Secretary to Govt. Punjab letter No.946-GS-62/8282 dated 16.03.1962, the seniority of the candidates should be determined with reference to the date of issued of the board's recommendations. In the present case, the Supervisors at Sr.No.101 to 131 were recommended by the SSS Board on 29.07.1988 and Supervisor at Sr.No.132 to 137 were appointed on adhoc basis and their services were regularized w.e.f. 30.09.1988. The services of petitioners were also rightly regularized w.e.f. 30.09.1988 and she was placed at Sr.No.138 as per service rules. Since the petitioner is not appointed by the selection board as such, they have not a right to claim seniority. A reference has been made by the judgment of Supreme Court in the case of State of Haryana Vs. Vijay Singh and others passed in Civil Appeal No.5947 of 2012 (Annexure R-II) in which respondents' service from the date of initial adhoc

appointment cannot be counted for the purposes of the seniority. It is also submitted in the reply that tentative seniority list was circulated by the Department vide letter dated 06.06.2006 and invited the objections, if any from the concerned Supervisors within 15 days from their controlling officers but Petitioner had not raised an objection to the tentative seniority list. Therefore, final seniority list was circulated vide letter dated 12.01.2010 but the petitioner did not raise any objection to the seniority list, and thus after finalization of the seniority list as per Rule-11 of Haryana Women and Child Development Department (Group-C) Service Rules 1997, petitioner is not entitled to raise any objection at this stage.

In view of the observation made above, all the writ petitions are dismissed.

(RITU BAHRI)
JUDGE

01.08.2018
anil

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>