

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM No.8843-CWP of 2018 in/and
CWP No.15552 of 2018
Date of Decision: 09.07.2018**

Jagdish Chander Jangra

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present: Mr. Arvind Rajotia, Advocate,
for the petitioner.

Ms. Shruti Jain Goyal, DAG, Haryana.

Mr. Aakash Singla, Advocate,
for the applicant-respondent No.3.

RAJIV NARAIN RAINA, J.(Oral)

CM No.8843-CWP of 2018

It seems rather strange that an Executive Engineer should be replaced in the matter of posting and transfer by a Sub Divisional Engineer holding the look after charge/CDC of the post of Executive Engineer (Civil).

It is pointed out by learned counsel for the petitioner who has appeared on advance copy given to him by the counsel of respondent No.3/applicant that a writ petition is pending in which the seniority is under consideration with an interim order restraining the department from making regular promotions.

It is clarified by the learned counsel for the applicant/respondent No.3 that his client is not a party to the litigation and,

therefore, the pendency of the petition can have no adverse effect on his client.

Be that as it may, if the seniority of the SDEs is involved, it involves the entire cadre because there can be only one principle of seniority in a cadre of service on one rank. Therefore, I am not impressed by the argument that the applicant is not a party to that petition as it is inevitable that whatever decision is taken in the seniority matter it will affect him.

The application is accordingly dismissed.

Main Case

Since the opposition to the petition has dissolved at the hearing today, nothing remains to be decided in the main case.

Therefore, the petition is allowed and the impugned order is set aside qua the petitioner.

09.07.2018
manju

**(RAJIV NARAIN RAINA)
JUDGE**

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