

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.21124 of 2016

Date of Decision: 10.08.2018

Gurdhian Singh and Anr.

.....Petitioners

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.S.N.Pillania, Advocate, for the petitioners.

Mr.Gaurav Jindal, Addl.A.G.Haryana.

Mr.Vivek Khatri, Advocate, for respondent No.5.

RITU BAHRI, J. (ORAL)

Petitioners are praying for quashing the impugned rejection by way of reply dated 11.07.2016 as well as the Seniority List (Annexure P-4) prepared after such a long span of time ignoring the tentative seniority List (Annexure P/2 and Annexure P/3) already prepared by the respondent-Department, showing the petitioners senior to the private respondent No.5 and further directions to the respondents to make a fresh seniority list.

A short point of consideration in this writ petition is whether final seniority list dated 01.01.2014 (Annexure P-4) and Annexure R-1 are according to the Rules of Haryana Revenue Patwaries (Group-C) Service Rule, 1981 Rule 10(2).

The facts in dispute between the parties are that petitioners were appointed as Patwari with the respondents-Department in District Ambala vide appointment letter dated 18.06.1997. Accordingly, they have joined

their duties on the post of Patwari in the said department in the year 1997. Since the date of joining the services, the work and conduct of the petitioners have always been remained satisfactory to the entire satisfaction of their superiors and without any complaint. Respondent No.5-Dal Singh son of Ranjit Singh was also appointed as Patwari and he had joined his service on 24.06.1997. In the tentative seniority list, petitioners have been shown senior to respondent No.5 but in the final seniority list petitioners have been shown juniors to respondent No.5.

Written statement has been filed by respondents No.1 and 4 stating therein that all these candidates were duly selected by the H.S.S.Board, Haryana, including Sh.Dal Singh son of Ranjit Singh (respondent No.5) with Roll No.722. His name appeared at Sr.No.10 of the aforesaid selection List and the names of petitioner No.1 and the petitioner No.2 appeared at Sr.No.18 and 19 in the selection list respectively with their respective Roll No.178 and 685. This selection list was made purely on the basis of merit and names of the petitioners No.1 and 2 appeared much after the name of respondent No.5. The list is attached as Annexure R-1 with the written statement. After the receipt of selection list, all the said 36 candidates were ordered to go for their medical examination from Civil Hospital. However, Sh.Dal Singh respondent No.5 was referred to PGI Rohtak for his medical examination by the Medical Board of Civil Hospital, Ambala City as per letter dated 20.05.1997 issued by Civil Surgeon of Civil Hospital Ambala City and said letter (Annexure R-2) herewith. Sh.Dal Singh-respondent No.5 was medically examined by Special Medical Board of PGI, Rohtak. He was declared medically fit for inducting him in the service of Govt. of Haryana

City and copy of the same is attached as Annexure R-3 herewith. All other candidates were issued appointment letters for the post of Patwari on 19.06.1997 and Dal Singh-respondent No.5 was also entitled to be issued with appointment letter on 19.06.1997 at par with the other selected and recommended candidates. But due to some delay in the official correspondence of his medical Board, PGI, Rohtak, he was issued the appointment letter on 24.06.1997. Due to late issuance of his appointment letter he was placed on the tentative seniority list dated 01.01.2014 at Sr.No.40. There was no fault of respondent No.5 Sh.Dal Singh as he was placed after the petitioners due to the above reason. Objections were invited from all the candidates on this list and in response to the same the respondent No.5 Sh.Dal Singh submitted a representation dated 25.04.2014 along with Annexure R-2 and Annexure R-3 praying there in that since he was also selected and recommended for the aforesaid appointment and the Medical Board of PGI, Rohtak, had declared him medically fit on 04.06.1997 at par with other candidates. The said recommendation was duly considered and his claim was found to be genuine and legal as there was no fault of respondent No.5-Dal Singh in the late receipt of his medical fitness letter dated 04.06.1997. Accordingly in the final seniority list dated 01.01.2014 of revenue Patwaris of Ambala District, the respondent No.5 Sh.Dal Singh was placed at Sr.No.19 and the petitioner No.1 and 2 were placed at Sr.No.24 and 25 respectively which is legal and justified. In the present case, the petitioners and respondent 5 were appointed by direct recruitment and the seniority of the aforesaid Patwaris was determined in accordance with the seniority list sent by the HSS Board through Director

In view of the above, seniority list of the candidates has been rightly prepared and as such, present writ petition is dismissed being devoid of merits.

(RITU BAHRI)
JUDGE

10.08.2018

anil

Whether speaking/reasoned Yes/No

Whether reportable Yes/No