

In the High Court of Punjab and Haryana at Chandigarh

229

CR No. 2945 of 2017

Date of decision: 25.9.2019

MANOHAR LAL GROVER

.....petitioner

Versus

STATE OF HARYANA AND ORS

.....respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Neeraj Kumar, Advocate,
for the petitioner.

Mr.P.S.Saini, Addl.A.G., Haryana.

RAJ MOHAN SINGH, J.(oral)

Petitioner has laid challenge to the order dated 16.11.2016 passed by the Executing Court, dismissing the execution as fully satisfied.

Perusal of the record would show that the suit for declaration filed by the plaintiff-petitioner was dismissed by the trial Court vide judgment and decree dated 4.10.1989, however, the appeal preferred by him was accepted and he was held entitled to emoluments of the post of Stenographer because he was working on the post of Stenographer being a Steno Typist. The Lower Appellate Court, vide judgment and decree dated 16.2.1990, held that the petitioner was entitled to minimum pay in the pay scale of a regular employed Stenographer, but without any increment for the period he had been required to perform

the duties of that post in the office of SE Circle, Gurgaon. He was also held entitled to corresponding Dearness and additional Dearness Allowances, if any, payable thereon and also other benefits, which were being enjoyed by him as on that day. As regards the question of fixation of his seniority vis-a-vis his counterparts in the offices of the SEs of the other circles in the State, the matter was left to the fair judgment of the Engineer-in-Chief of the Department. Respondents remained unsuccessful in RSA No.1078 of 1990, which was dismissed on 28.7.2010.

Under Rule 6 (b) of the Haryana Public Works B&R Branch (State Service Group-C Ministerial Estt. Of Subordinate Officers) Rules, 1980, Superintending Engineer is the competent authority for fixation of seniority position of the petitioner. Superintending Engineer, Circle Gurgaon, vide office order dated 10.11.2014 granted proforma promotion to the petitioner to the post of Stenographer in a defined pay scale with effect from the date on which junior officials were promoted to the post of Stenographer vide order dated 6.8.1981.

It appears that the petitioner has not challenged the aforesaid order in any lawful forum. It also appears from the record that at a subsequent stage the Superintending Engineer, Circle Gurgaon has recommended the case of seniority position

of the petitioner at Sr.No.61 i.e. below Sh.Harbans Singh and above Sh.Deep Chand. The said recommendations of the Superintending Engineer, Circle Gurgaon have not been acceded to by the Engineer-in-Chief, while declining the same vide order dated 26.7.2016.

In view of aforesaid factual position, which has been asserted by the respondents and denied by the petitioner, I am left with no option except to relegate the petitioner to avail his legal remedy in accordance with law.

Petition stands disposed of accordingly.

September 25, 2019
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/Speaking

Yes/No

Whether reportable

Yes/No