

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of decision:04.07.2019

1. CWP No.8303 of 2003

Hawa Singh and anr.

.....Petitioners

Versus

State of Haryana and others

....Respondents

2. CWP No.8007 of 2003

Ram Kalan

.....Petitioner

Versus

State of Haryana and others

....Respondents

3. CWP No.19564 of 2005

Azad Singh Dalal

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. R.K.Malik, Sr.Advocate with Mr.Yogesh Sheoran, Advocate for the petitioner(s) in CWP No.8303 and 8007 of 2003.

Mr. Amrit Paul, Advocate for the petitioner in CWP No.19564 of 2005.

Mr. Harish Rathee, Sr. DAG, Haryana.

B.S. WALIA, J (ORAL)

1. This order shall decide CWP Nos.8303 of 2003, 8007 of 2003 and 19564 of 2005 as identical point is in issue in all cases. For brevity, the facts are being taken from CWP No.8303 of 2003.

2. Petitioner No.1 was appointed as Canal Patwari on 18.12.1974 while petitioner No.2 was appointed as such on 23.10.1974 on the recommendation

of the Subordinate Service Selection Board Haryana. Services of the petitioners were regularized with effect from the said date. Thereafter, the petitioners were promoted as Assistant Revenue Clerks with effect from the deemed date i.e. 31.5.1991 (Annexure P-2). Thereafter, the petitioners were promoted as Ziladars from the post of Assistant Revenue Clerks on 27.12.1995 (Annexures P-5 & P-6). Seniority list of Canal Patwaris was issued on the basis of Haryana Irrigation Department Revenue & Assessment Clerks (Group-C) Service Rules 1991, which came into force w.e.f. 17.6.1991(Annexure P-7).

3. It needs mention here that prior to 17.6.1991 the service conditions for the post of Assistant Revenue Clerk were governed by the Punjab Public Works Department (Irrigation Branch) Revenue Clerks State Service Class-III Rules, 1956. The seniority list of Canal Patwaris was issued on the basis of the 1991 Rules, on 27.12.2002 at the State level reflecting the name of the petitioners therein as Canal Patwaris although the petitioners were no longer Canal Patwaris having been promoted as Assistant Revenue Clerks on 31.5.1991 i.e prior to the promulgation of the 1991, Rules.

4. On the basis of seniority list of Canal Patwaris as circulated vide Annexure P-7 dated 27.12.2002, the petitioners were issued show cause notices dated 13.02.2003 Annexures P-8 and P-9 on the ground that their promotions to the rank of Ziladar had been wrongly made from the post of Revenue Clerk and that some junior persons had been promoted to the rank of Ziladar whereupon senior persons had filed civil writ petition in the High Court which had been allowed vide orders dated 24.8.2000 in CWP No.17862 of 1997 and dated 16.4.2001 in CWP No.685 of 1997.

5. Upon challenge of the aforementioned show cause notices dated 13.2.2003 while issuing notice of motion on 27.5.2003 for 2.9.2003 case was ordered to be listed alongwith CWP No.8007 of 2003 and the reversion of the petitioners was stayed. Learned counsel contends that in the short reply by way of affidavit filed on behalf of respondent Nos.1 and 3 dated 8.1.2004, it has been mentioned in paragraph No.1 that the reply filed by the petitioners to the show cause notices was considered and the petitioners were personally heard on 30.7.2003 and it was found that some relevant facts had not been mentioned in the show cause notices earlier served vide letter Nos.1202/6NGE-II/2003 dated 13.2.2003 and No.1203/6NGE-II/2003 dated 13.2.2003 therefore, it had been decided to withdraw the show cause notices and fresh show cause notices with all relevant facts and circumstances of the case would be served upon the petitioners for taking appropriate action.

6. Learned counsel, however, states that no fresh show cause notices were served on the petitioners.

7. Learned Senior DAG, Haryana, states that in the circumstances, the petitioners having retired particularly with no fresh show cause notices having been served, the writ petitions are rendered infructuous and may be disposed of as such.

8. In view of the position as noted above, the writ petitions are disposed of as having become infructuous and not calling for any further orders.

July 04, 2019
ps

(B.S. WALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No