

CWP No. 19867 of 2009 and others connected cases

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

(1)

**CM-13444-CWP-2017 in/and
CWP No. 19867 of 2009 (O&M)
Date of decision : 13.11.2019**

Sushil Kumar and others

....Petitioners

Versus

Managing Director, Haryana Vidyut Parsaran Nigam and others

.....Respondents

(2)

CWP No. 19121 of 2018

Tarwar Singh and others

....Petitioners

Versus

**Managing Director, Dakshin Haryana Bijli Vitran Nigam Limited and
others**

.....Respondents

(3)

CWP No. 27627 of 2018

Sita Ram and another

....Petitioners

Versus

**The Managing Director, Dakshin Haryana Bijli Vitran Nigam Limited
and another**

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Jai Vir Yadav, Advocate for the petitioners
(in CWP No. 19867 of 2009).

Mr. Sandeep Thakan, Advocate
for the petitioners (in CWP Nos. 19121 and 27627 of 2018).

Mr. B.R. Mahajan, Senior Advocate with
Mr. R.S. Longia, Advocate
for the respondents.

Harsimran Singh Sethi, J. (Oral)

CM-13444-CWP-2017

Present application has been filed for fixing the writ petition
i.e. CWP No. 19867 of 2009 for some actual date of hearing.

Notice of the application was issued to counsel for the
respondents, in pursuance to which, counsel for the respondents states that
he has no objection for the grant of prayer as made in the present
application.

Keeping in view the above, present application is allowed and
with the consent of learned counsel for the parties, the main writ petition i.e.
CWP No. 19867 of 2009 is taken up today itself for hearing.

CWP Nos. 19867 of 2009, 19121 of 2018 and 27627 of 2018

Reply on behalf of the respondents in CWP No. 27627 of 2018
has been filed in Court today. The same is taken on record.

By this common order, above-mentioned three Civil Writ
Petitions are being disposed of in the light of common question of law and
similar facts involved.

The question which arises for consideration of this Court as

raised in the present writ petition is whether the respondents are under obligation to re-fix/revise the seniority list of the Upper Division Clerks keeping in view the order passed by this Court in CWP No. 9342 of 1988, decided on 10.09.1992 titled as ***Jagdish Singh Vs. State of Haryana and others***, which judgment has been followed subsequently in RSA No. 494 of 2014, decided on 06.05.2014 titled as **Dakshin Haryana Bijli Vitran Nigam Limited and others Vs. Madhu Bala and others**.

Learned counsel for the respondents raises a preliminary objection with regard to the maintainability of the present writ petition qua the claim as raised in the present writ petition that there should be a joint seniority between the employees serving at the Headquarter and the employees serving in the Field Cadre, keeping in view the fact that the Rule is identical and the same for both the Cadres. Learned counsel for the respondents states that none of the person(s), who are likely to be affected by the decision of these writ petitions, in case the prayer of the petitioner(s) is accepted, are impleaded as party to the writ petitions. Learned counsel for the respondents relies upon decision rendered by a Division Bench of this Court in CWP No. 9025 of 1997 titled as ***Parveen Kumar Kapoor Vs. Punjab State Electricity Board***, decided on 22.07.1997 to contend that where there is a seniority dispute or re-cast of the seniority, all the persons, who are likely to be affected are necessary party and in the absence of the same, no examination of the plea of change of seniority can be undertaken by this Court.

Faced with this situation, learned counsel for the petitioner(s) prays that they be allowed to withdraw these writ petitions with liberty to

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file a fresh one on the same cause of action by impleading all the persons as a party, who are likely to be affected by the decision in case, the prayer of the petitioner(s) for maintaining combine seniority list for the employees serving in Field Cadre as well as Headquarter is accepted.

Keeping in view the prayer made by learned counsel for the petitioner(s), all the writ petitions are dismissed as withdrawn with liberty to file a fresh one on the same cause of action by impleading all the necessary parties, who are likely to be effected by the decision, in case the prayer of the petitioner(s) is accepted.

November 13, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

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