

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 12152 of 2016 (O&M)

Date of Decision: 08.02.2019

Surender Kumar and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

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

Present: Mr. Vikas Lochabb, Advocate
for the petitioners.

RAJIV NARAIN RAINA, J. (Oral)

1. The best foot forward counsel can put in a dead and stale claim to seniority of Patwaris is that the *inter se* seniority of Patwaris is to be drawn as per recommendations made by Haryana Staff Selection Commission, previously known as Subordinate Services Selection Board, Haryana and not from the date of passing the departmental examination, unless he refers to the memo dated 18.05.2006 issued by the Financial Commissioner/Principal Secretary to Government, Haryana, Revenue & Disaster Management Department, but, this star argument falls to the ground in the face of challenge to the seniority list dated 27.07.1994 and another seniority list drawn in the year 2001 in a petition filed in the year 2016 without any previous litigation involving the petitioners to stand by. After such humongous delay, seniority issue would inevitably involve unsettling rights of others. A claim to re-fixation of seniority should be raised within a reasonable time of say six

months or one year at the most as propounded by the Supreme Court in P.S. Sadasivawamy Vs. State of Tamil Nadu, AIR 1974 SC 2271 and a host of case law thereafter. Even if a suit was brought on the date of the petition claiming the same relief arising out of the same cause of action, it would have been barred by limitation. If a suit is barred, it would be prudent for the writ Court not to interfere. For this proposition, see State of Madhya Pradesh Vs. Bhai Lal Bhai, AIR 1964 SC 1006.

2. The petition is dismissed by reason of limitation, delay and unexplained laches. No orders are required to be passed in the pending application which stands disposed of with the main case.

(RAJIV NARAIN RAINA)
JUDGE

08.02.2019

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<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether reportable:</i>	<i>Yes/No</i>