

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

**CWP No.24608 of 2017 (O&M)
Date of Decision.24.07.2019**

Mahavir Singh and another

...Petitioners

Vs

State of Haryana and others

...Respondents

Present: Mr. Yashjot S. Dhaliwal, Advocate for
Mr. K.S. Dhaliwal, Advocate
for petitioners.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

Mr. Padamkant Dwivedi, Advocate
for respondent No.2 to 4.

Mr. R.N. Lohan, Advocate
for applicant.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

C.M. No.2639 of 2018

In view of decision taken in main writ petition, no need
arises for impleadment of applicant as respondent No.5.

Dismissed.

CWP No.24608 of 2017

Qua petitioner No.2, learned counsel for petitioner
wishes to withdraw writ petition.

Ordered accordingly.

Challenge in present petition is to the impugned order
dated 16.10.2017 (Annexure P-11) passed by respondent No.2
whereby order dated 25.01.2017 (Annexure P-8) has been withdrawn

cancelling the re-designation of petitioners.

Petitioner No.1, according to averments in writ petition, on 1.1.1994 was appointed as Sewerman in HUDA on daily wages and therefore, was designated as Pump Operator (Helper). Services of petitioner were regularized w.e.f. 01.03.2003 vide order dated 01.07.2004. Since petitioner was working as Pump Operator for number of years, submitted a representation for re-designation of his post. Respondents considering his request, passed order dated 25.01.2017 (Annexure P-8) re-designated him as Bill Distributor (Class-IV) with condition that he will remain in same scale and loose seniority but respondents vide impugned order dated 16.10.2017 withdrew order dated 25.01.2017, which is wholly unwarranted and vexatious.

Mr. Hitesh Pandit, Addl. A.G., Haryana submitted that since there was *inter se* seniority dispute, therefore, necessity arose for withdrawal, as designation of petitioner was Sewerman, which was re-designated as Bill Distributor (Class-IV) on his own request.

I have heard learned counsel for parties and appraised paper book. Para 4 of preliminary submissions of written statement filed on behalf of respondents No.2 to 4 reads as under:-

“4. That no fundamental or legal right of petitioners has been violated by passing of the order dated 16.10.2017, Annexure P-11. The posts of the petitioners were only redesignated from Sewerman to Bill Distributor and WPO Helper respectively. The same does not give a vested right to the petitioners to be

designated with the said posts forever. The petitioners were appointed as Sewerman and the redesignation was done as per their own request and it was mentioned in the redesignation order itself that the order can be withdrawn without any notice. Thus the allegation regarding serving of any advance notice does not stand the judicial scrutiny. The petitioners cannot raise the issue of violation of principles of natural justice since as per the undertaking of the petitioners the redesignation orders can be withdrawn without giving any notice. The present petition is bereft of any merits and is liable to be dismissed.”

Petitioner No.1 was appointed as Sewerman and on his request, re-designated as Bill Distributor (Class-IV) before some senior officials and when an *inter se* dispute qua seniority raised, necessity arose to withdraw order of re-designation of petitioner No.1 as factum of *inter se* seniority remained unnoticed. In such circumstances, impugned order cannot be said to be fallacious or vexatious. No ground for interference is made out.

Dismissed.

(AMIT RAWAL)
JUDGE

July 24, 2019
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No