HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.530/2020

Sri Birala Kalai and Ors.

…….. *Petitioner(s).*

Vs.

The State of Tripura and Ors.

…….. *Respondent(s).*

For Petitioner(s) : Mr. P Roy Barman, Advocate.
For Respondent(s) : Mr. S Saha, Advocate.

HON'BLE THE CHIEF JUSTICE MR. AKIL KURESHI

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11/12/2020

Petitioners have challenged their seniority position over that of private respondents No.4 to 11. Consequently, they have challenged seniority lists dated 28th July, 2012 and 3rd June, 2015.

The petitioners joined the service of State of Tripura as Junior Engineers(Degree Holders) in the year 2003. Subsequently in the year 2008 the petitioners were promoted to the post of Assistant Engineer(Civil). They point out that in the tentative seniority list of Assistant Engineer(Civil) published on 30th September, 2009 they were shown senior to the private respondents. The petitioners, therefore, had no

grievance with the seniority position indicated in the tentative seniority list. However, the department thereafter published a final seniority list on 30th June, 2012 in which the petitioners were shown junior to respondents No.4 to 11. Subsequently, the department published yet another tentative seniority list on 9th April, 2014 in which this error continued. The petitioners, therefore, filed representations in, 2015. Ignoring such representations, the department published yet another final seniority list on 3rd June, 2015 showing the petitioners junior to the private respondents. The petitioners have, therefore, challenged the said seniority list and their seniority position *vis-a-vis* the respondents No.4 to 11.

At the outset, I find that the petition which is filed in the year 2020 to challenge seniority list which was finalised and published in the years 2012 and the 2015 is grossly belated. It is well settled through series of judgments of Supreme Court that seniority position in a cadre should be allowed to rest and finalized. A seniority which is declared by the department cannot be reopened after unreasonable period of time.

The only excuse offered by the petitioners for filing the petition after much delay is that they were not aware about the publication of the seniority lists in the years 2012 and 2015. Firstly, they do not contend that the seniority lists were not published. In fact, the seniority lists copies of which are produced along with the petition show that the same were not

only published but circulated amongst various offices of the Government. The petitioners themselves had made representations in the year 2015 against their seniority positions. This explanation, therefore, cannot be accepted.

The petition is dismissed only on the ground of gross delay and laches. Pending application(s), if any, also stands disposed of.

(AKIL KURESHI, CJ)

HIGH COURT OF TRIPURA
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