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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-1814-1995 (O&M)  
DATE OF DECISION: 27.02.2020

RAM SARAN DASS

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: None for the petitioner.

Mr. Hitesh Pandit, Addl. AG, Haryana.

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**Ritu Bahri, J. (Oral)**

Petitioner is seeking writ of mandamus directing the respondent to assign correct seniority to the petitioners w.e.f. the date of his juniors were promoted.

Brief facts of the case are that the petitioner, who belongs to Scheduled Caste, was appointed as Clerk on 23.09.1971 in the cadre of Rural Artisan Training Centre and was promoted as Assistant on 13.07.1975. The cadre of Rural Artisan Training Centre was merged with Industrial Training Institute in August, 1982 and the seniority in the respective cadres of ministerial staff was fixed on the basis of length of continuous service on their respective posts held by them at the time of merger. Similarly, the technical staff was also merged on the same lines as a result of policy decision of the Government and their seniority was also fixed on the basis of length of service. The post of Superintendent in the

Rural Artisan Centre was equivalent to the post of Group Instructor in Industrial Training Institute with the same pay scales. After merger, the tentative seniority list of the Assistants was issued by the Government on 18.03.1994 and the petitioner was shown at Sr. No. 106, who was promoted on 13.07.1975, whereas some officials, who were promoted after him, were shown senior to him.

The respondents, in the written statement, have clarified that after the instructions dated 06.09.1973 were issued, a clarification was sought from the Government regarding ministerial staff of all the Institutions run by this department. The Government, vide letter dated 25.08.1980 (Annexure R-2), directed respondent No. 2 that the ministerial staff of all the institutions run by the department will be brought up on one cadre. After inviting objections and considering the same, a tentative seniority list was issued on 29.07.1988. In the said list, the name of the petitioner was shown at Sr. No. 84 as a Clerk as on 01.01.1988 and as Assistant at Sr. No. 104 as on 01.01.1988. The petitioner has joined his duties as Clerk on 23.09.1971 and the private respondents No. 3 to 9 have joined their duties as Clerks on the following dates:-

- |                           |                       |
|---------------------------|-----------------------|
| 1. "Ram Lal Jairiwal (BC) | 18.11.1960            |
| 2. Naval Singh            | 16.12.1960            |
| 3. Jai Pal Singh          | 10.07.1961/05.02.1963 |
| 4. Mohan Lal Sharma       | 14.05.1963            |
| 5. Jagdish Chander        | 14.05.1963            |
| 6. Ram Parkash Miglani    | 09.07.1963            |
| 7. Om Parkash Kheerbat    | 06.12.1962"           |

After merger, the initial date of appointment has been taken according to the seniority list and prior to the merger, the petitioner was promoted as Assistant on 13.07.1975 and after merger, his seniority was

changed and he was promoted as Assistant as on 01.01.1988.

During the pendency of this writ petition, the petitioner must have retired. Since this is not a case of reversion, the seniority list was prepared after inviting objections and the issue became academic in this case.

The writ petition is being disposed of as the seniority has rightly been fixed as per the clarification as Annexure R-2.

**27<sup>th</sup> February, 2020**

*shabha*

**(RITU BAHRI)  
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No