

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.9421 of 1996
Date of decision :03.03.2020

Ramesh Chander and anotherPetitioners

Vs.

State of Haryana and othersRespondents

CORAM: HON'BLE Ms. JUSTICE RITU BAHRI

Present:- None for the petitioners.

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

RITU BAHRI, J. (ORAL)

Petitioners are working as Camp Clerk in the department of Excise and Taxation Commissioner. Petitioner No.1 has joined on 09.07.1981 and petitioner No.2 joined on 05.02.1982. Vide notification dated 21.04.1980, they were promoted to the post of Clerk against the 20% quota fixed for Group-D employees.

Petitioners have placed on record the tentative seniority list (Annexure P-1) which shows that seniority of Clerk and Camp Clerk has a common seniority list (Annexure P-1). A representation for promotion has been made by the petitioners as Annexure P-2 and Annexure P-3. After notice of motion in this petition, official respondents No.2 and 3 have filed their reply and in the preliminary submissions, it is stated that as per tentative seniority list of metric pass peons had been prepared in which name of the petitioner Ramesh Chand and Rajinder Singh appears as serial number 73 and 91 in that seniority list. Out of total 601 sanctioned posts of Clerk, 20% cadre comes to 120 posts and out of this 114 posts of Clerks have

already been promoted from Group D employees and are working.

Moreover, the claim of the petitioners cannot be considered at this stage because 72 peons are senior to the petitioner No.1 and 90 peons are senior to the petitioner No.2. No replication has been filed to deny the position in the tentative seniority of the metric pass peons.

Keeping in view that out of 120 posts, 114 posts of clerk had already been promoted and with respect to the petitioner No.1, 72 Peons were senior to him and with respect to petitioner No.2, 90 peons were senior to him as such, no direction can be given in this writ petition to promote the petitioner over and above being senior as per seniority list. Moreover this writ petition is pending since 05.11.1997 and petitioners must have been retired by now and no case is made out to give direction to consider the case of their promotion.

In view of the above, the present writ petition is disposed of accordingly.

03.03.2020
anil

(RITU BAHRI)
JUDGE

Whether speaking/reasoned = Yes/No.

Whether reportable= Yes/No.