

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

(Heard through VC)

CWP No.12976 of 2020 (O&M)
Date of Decision: August 28, 2020

Ajay Sihag and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Vinod S. Bhardwaj, Advocate
for the petitioners.

JAISHREE THAKUR, J. (Oral)

This is a petition that has been filed by the petitioners under
Article 226/227 of the Constitution of India with the following prayers;-

“(i) Issue of an appropriate writ, order or direction in the nature of mandamus directing the respondents to determine the seniority of the petitioners and other similarly placed persons belonging to the batch of 2013 in the cadre of Excise and Taxation Officers in a time bound manner, and/or

(ii) Issue of an appropriate writ, order or direction in the nature of mandamus directing the respondents not to make further promotions without first deciding the issue of inter-se seniority in the cadre of Excise and Taxation Officers, and/or

(iii) Issue of an appropriate writ, order or direction in the nature of mandamus for setting aside the order of

promotion dated 13.12.2010 with effect from 27.10.2010 being contrary to the Rules and the private respondents were ineligible to be promoted retrospectively as they were not possessing the qualification of the said promotion;
(iv) *Issue of an appropriate writ, order or direction in the nature of mandamus directing the official respondents to grant seniority to the petitioner over and above the private respondents who did not possess the qualification for being promoted as per Rules of 1988 and acquired the said qualification only on 12.12.2013 and to assign the seniority to the private respondents w.e.f. the date they acquire the qualification prescribed under the Rules of 1988 for being promoted as ETO.”*

Counsel for the petitioners herein would submit that at the present moment, he would be satisfied if the question of seniority list is settled expeditiously, while seeking permission to challenge all other points as raised in the instant writ petition at the later stage, should the need so arise.

Notice of motion.

At this stage, on the asking of the court, Mr. Samarth Sagar, Addl. AG Haryana, accepts notice on behalf of the respondent-State and submits that the seniority list would be finalized within a period of four months from today and necessary orders regarding the same will be issued.

In view of the very fair statement made by the learned State counsel, the instant writ petition is being disposed of with a direction to the respondent-State to settle the seniority list within a period of four months by passing a speaking order. However, liberty is given to the petitioners to file a separate writ petition raising all the pleas, as taken in the instant writ

petition, at a later stage, should the need so arise.

Disposed of, with the aforesaid directions.

August 28, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No