

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

107

CR No.706 of 2021

Date of Decision:22.03.2021

(Heard through Video-Conferencing)

Narender Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. J.P.Sharma, Advocate,
for the revisionist-petitioner.

MEENAKSHI I. MEHTA, J. (ORAL)

By way of the present revision petition, the petitioner has assailed the order dated 16.10.2020 (Annexure P-1) passed by learned Civil Judge, Junior Division, Narnaul dismissing the application moved by him under Order 39 Rules 1 & 2 read with Section 151 CPC and also the judgment dated 16.01.2021 (Annexure P-2) handed down by learned District Judge, Narnaul, qua the dismissal of the appeal preferred by him against the said order and he has made a further prayer to allow him to work as Drawing and Disbursing Officer (D.D.O), being the senior most teacher in the school.

2. As per the brief factual-matrix culminating in the filing of the present revision-petition, the petitioner, vide order dated 10.01.2020, had, initially, been conferred the powers of Drawing and Disbursing Officer, in his own pay-scale, in Government Senior

Secondary School, Musnota, in addition to his own duties, till the joining of the regular Principal in the School. However, vide order dated 25.08.2020, present respondent No.6 had been asked to exercise the said powers and the petitioner has challenged the same while claiming himself to be senior to the said respondent and he had preferred the said application for seeking ad-interim injunction which has been dismissed vide impugned order Annexure P-1 and this order has been upheld by learned First Appellate Court vide impugned order Annexure P-2.

3. Ms. Rajni Gupta, Additional Advocate General, Haryana has joined the proceedings in this case on behalf of respondents No.1 to 4, in pursuance of the copies of this revision petition having been sent to the respondent-State in advance.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present revision petition, at the preliminary stage and have also perused the file thoroughly.

5. Learned counsel for the revisionist-petitioner refers to the copy of the order dated 18.07.2019 as passed in CWP No.19403 of 2019 titled as “Baljit Singh and others Vs. State of Haryana and others” and contends that as per the said order, the seniority list dated 08.07.2019 is not to be given effect to and therefore, respondent No.6, being junior to the revisionist-petitioner, could not have been conferred the powers of the Drawing and Disbursing Officer.

6. Per contra, learned State counsel argues that earlier, the revisionist-petitioner had been conferred the powers of Drawing and

Disbursing Officer and subsequently, respondent No.6 has been given the said powers, as a stop-gap arrangement only till the regular Principal joins in the said School and in such an eventuality, the competent authority has a discretionary power to authorise any suitable teacher to discharge the duty as Drawing and Disbursing Officer and therefore, the revisionist-petitioner, has no valid ground to assail the impugned orders.

7. Admittedly, the granting of the powers of Drawing and Disbursing Officer initially to the petitioner and later-on, to respondent No.6, is just in the nature of stop-gap arrangement till the Principal is appointed/posted in the said School on the regular basis, so that the work of the seat of the DDO may not suffer. In such circumstances, the competent authority has a discretion to authorise any of the suitable teachers posted in a particular School to discharge the duties as Drawing and Disbursing Officer. Learned counsel for the revisionist-petitioner has not been able to refer to any legal provisions/Rules or Instructions to show to the contrary.

8. As regards the afore-referred order dated 18.07.2019 passed in CWP No.19403 of 2019, the same reads as under:-

“x x x x

In the meanwhile, respondent No.2 is restrained to give effect to seniority list dated 08.07.2019, in other words, contemplated promotion as per letter dated 12.07.2019 (Annexure P-16) is ordered to be kept in abeyance.

x x x x x ”

Thus it is explicit that it pertains to the dispute qua the said seniority list for the purpose of promotion only whereas as discussed above, the seniority is not the sole criteria for the purpose of the afore-discussed stop-gap arrangement.

9. As a sequel to the fore-going discussion, it follows that both the impugned orders do not suffer from any illegality, infirmity, irregularity or perversity and hence, the same do not call for any interference by this Court. Resultantly, the present revision petition, being sans any merit, stands dismissed.

22.03.2021
hemlata

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No