

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(128)

CWP-11070-2021

Date of Decision : June 29, 2021

Pawan Kumar and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajat Mor, Advocate, for the petitioners.

Ms. Shubhra Singh, Addl. Advocate General, Haryana.

Mr. K.K. Gupta, Advocate, for respondent No.2.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed for quashing of the notification/memorandum dated 02.06.2021 (Annexure P-2) by which the provisional seniority list of the clerk has been published.

The prayer of the petitioners is that the petitioners, who are working with the respondent-establishment in the cadre of clerks, has not been included in the said tentative seniority list prepared in the cadre of clerks, which is causing prejudice to them and therefore, a fresh tentative seniority list be issued by including the names of the petitioners.

On being asked, whether the petitioners are regular employees of the establishment or are working on contract basis, learned counsel for the petitioners very fairly submits that as of now, the petitioners are not the regular employees of the establishment. Learned counsel for the petitioners

further submits that for regularization of the services of the petitioners, the

petitioners have already approached this Court by filing CWP No.1204 of 2020, which is already pending consideration before this Court. That being so, once the petitioners are not the regular employees of the establishment in the cadre of clerk, the petitioners cannot question the issuance of the tentative seniority list by the respondent-establishment of the clerks, who are regularly appointed in the said cadre as the petitioners are not regular employees in the cadre of clerks so as to demand inclusion of their names in the seniority list. It is conceded by the learned counsel for the petitioners that rules governing the service clearly envisage that the seniority has to be considered of the regular incumbents and not of employees working on contractual basis, hence, no grievance can be raised by the petitioners at this stage qua non-inclusion of their names in the tentative seniority list issued by the respondents.

On being pointed out that what prejudice is being caused to them in respect of the tentative seniority list, which is being challenged by them, learned counsel for the petitioners submits that in case their services are regularized at a later stage, they will feel prejudice by non inclusion of their names in the present tentative seniority list.

This apprehension is misplaced.

Once, the petitioners have already filed a writ petition claiming the regularization, in case the said prayer of the petitioners is accepted and their services are regularized, it will be incumbent upon the respondent-establishment to include their names in the cadre in which their services have been regularized at the appropriate place keeping in view the regularization of their services.

Learned counsel for the petitioners submits that keeping in view the observations of the Court as recorded hereinbefore, the petitioners do not wish to press this petition, at this stage and the same may be disposed of as such.

Ordered accordingly.

June 29, 2021

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No