

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(123)

CWP No.12784 of 2021
Date of decision: 27.07.2021

Raj Kumar and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Deepinder Singh Patwalia, Senior Advocate
with Mr. Vishwas Arora, Advocate for the petitioners.

Mr. Puneet Jindal, Senior Advocate with
Mr. Tajinder Singh, Advocate for the respondents.

Mr. Sharad Aggarwal, AAG, Haryana.

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HARSIMRAN SINGH SETHI, J. (ORAL)

In the present writ petition, the challenge is to order dated 13.05.2021 (Annexure P/15) issued by the respondent No.3, by which the Rules governing the service have been amended with retrospective effect.

Learned Senior counsel appearing for the petitioners argues that the said amendment, which has been made in the Rules governing the service, takes away even the vested rights of the petitioners hence, amended rules cannot be allowed to operate and amendment with retrospective effect is liable to be set aside.

Learned Senior counsel appearing for the petitioners submits that the respondents have already started the process of implementation of

impugned order dated 13.5.2021 (Annexure P/15) as a tentative seniority list has been made by the respondents in accordance with the amendment, which has been carried out vide said impugned order.

Learned Senior counsel appearing for the respondents on instructions from Mr. Rakesh Kumar Garg, Deputy Secretary submits that as of now, seniority list is not final, for the reasons that objections have been filed by the petitioners against the tentative list (Annexure P/16), which was issued on 30.06.2021 and the said objections are still under consideration of the authority concerned. Learned Senior counsel for the respondents further submits that after the tentative seniority list is finalized by the respondent-department, thereafter, in case it is found that any of the petitioners or any other employee needs to be reverted actually from the post on which he/she is presently working to a feder post, show cause notice for the said proposal will be served and the employee concerned will be free to raise all the objections, including the legal objections to the said proposed reversion, which objections will be kept in mind while passing appropriate orders.

Learned Senior counsel appearing for the petitioners submits that keeping in view the statement made by the learned Senior counsel for the respondents, as of now, the grievance of the petitioners stands redressed to the effect that in case any actual action of reversion is to be undertaken by the respondents against the petitioners, the petitioners will be served with a show cause notice and final order on the said proposal will be passed after considering the objections so raised by the petitioners against the said proposal mentioned in the show cause notice. Learned Senior counsel for the petitioners submits that the petitioners be given liberty to avail appropriate remedy including approaching this Court on any action taken on

the said show cause notice in case, the same causes prejudice to the petitioners. Learned Senior counsel for the petitioners further submits that the petitioners be given liberty to assail order dated 13.05.2021 (Annexure P/15) again in case, the petitioners have any grievance against the same if the petitioners are sought to be reverted from the post on which they are currently working.

Undisputedly, in case, the petitioners have any grievance against the final seniority list issued by the respondents or any order passed by the respondents reverting the petitioners from the post on which they are working as of now, the petitioners can avail appropriate remedy available with them under the law.

It is made clear that this Court is not expressing any opinion in respect of impugned order dated 13.05.2021 (Annexure P/15) and the petitioners will be at liberty to assail the same in case they have any grievance qua the same at any given point of time.

Present writ petition stands disposed of.

July 27, 2021

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No