

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

201/1

CWP-20653-2019 (O&M)

Decided on : 03.03.2021

Dr.Arjun Singh Saini

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Gurminder Singh, Sr.Advocate
with Mr.J.S.Gill, Advocate, for the petitioner.

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

Mr.D.S.Patwalia, Sr.Advocate,
with Mr.B.S.Patwalia, Advocate, for respondent No.3.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Counsel for the petitioner submits that in view of the decision dated 15.02.2021, since the seniority list of Class-I & Class-II of the Horticulture Department has been finalized by upholding the tentative seniority list dated 11.01.2017, the present writ petition has been rendered infructuous, since one of the prayers in the amended writ petition was to finalize the seniority of Class-I and Class-II officers. The decision dated 15.02.2021 which has now been placed on record in the connected matter, i.e. CWP-3428-2020 reads as under:

“Kindly refer to the subject cited above.

It is intimated that a tentative seniority list of Class-I & II Officers of Horticulture Department was issued vide memo No.2432-Agri.-1(5)-2016/381, dated 11.01.2017. Keeping in view of the dispute regarding seniority amongst the Class-I & II employees of Horticulture Department and direction of Hon'ble High Court, a committee under the Chairmanship of Smt. Amneet P.Kumar, IAS, Secretary Secretariat Establishment was constituted. After considering the representations of the employees about the seniority of Class-I & II Officers of Horticulture Department, the committee submitted its report to the Govt.

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On the basis of the report of said committee, the Govt. has now decided that the tentative seniority list issued vide memo No.2432-Agri.-1(5)-2016/381, dated 11.01.2017 may be treated as final seniority list of Class-I & II Officers of Horticulture Department.

You are, therefore, requested to circulate the seniority list to all the concerned offices/officers at your own level.”

Regarding challenge to the order dated 07.08.2019 (Annexure P-29) whereby respondent No.3 had been posted as Director General, Horticulture in place of the petitioner who was then posted as Mission Director, it is submitted that the said order would show that the date of superannuation of respondent No.3 was 31.03.2020. Reference is, thus, made to the reply of respondents No.1 & 2 to point out that the said respondent has retired from service and therefore, the question of posting of the said respondent as Director General, Horticulture, does not arise at this stage and the writ petition has become infructuous. He, thus, refers to the interim order which was passed on 07.08.2019 wherein stay was granted in his favour, at the initial stage and he has, thus, continued as Director General, Horticulture.

Mr.Patwalia points out that respondent No.3 has continued on the post of Mission Director after extension/re-employment till 31.03.2021, in view of the interim order.

Lastly, it is submitted that the third prayer for grant of pay-scales of the post of Director General, Horticulture from 03.02.2014 to July, 2018 may be kept open for the petitioner to press his claim before the State.

Resultantly, in view of the above, the present writ petition is dismissed having been rendered infructuous, with liberty to represent for the third prayer.

MARCH 03, 2021

sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No