

Sr. No.326

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-17116-1996

Date of decision: 05.04.2022

Ram Phal Sub Inspector

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.K.S. Brar, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1996, *inter alia*, disputing the seniority of the petitioner amongst the seniority of private respondents No. 4 to 7.

Petition was admitted on 19.05.1998.

When called out for hearing, there is no representation on behalf of the petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 25 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

In any case, it appears that even on merits claim of the petitioner is not admissible in view of the following stand taken in para 5 of the parawise reply, which is reproduced herein for ready reference:

5. That in reply to para 5 of the writ petition, it is submitted that the seniority list of Sub-Inspectors Cooperative Societies as on 01.07.1983 issued vide this office letter No. Admn./EA-8/63552-90 dated 27.12.83/ 04.01.1984, was prepared according to the order of merit determined by the Subordinate Services Selection Board Haryana from time to time as per decision of the State Govt. The representations received against the above seniority list were sent to the State Govt. for their consideration. The State Govt. reconsidered the matter and decided that seniority inter se of the Sub-Inspectors Cooperative Societies including those appointed by the Director of Industries should be prepared strictly according to the provision of Rule 8(i) of the Punjab Cooperative Subordinate Service (Part-II Executive) Rules, 1936 which reads as under:-

“ The seniority of directly recruited candidate for the post of Sub-Inspector of Cooperative Industrial Societies

will, in the first place, be determined by the date of passing the Departmental period Examination, or by the date of completing the prescribed training whichever is later, if, on applying this standard, the date is the same in the case of two or more candidates, seniority will be determined by the date on which training began, or if training began on the same date, by age.”

Keeping in view the State Govt. decision the Seniority list of Sub-Inspector, Cooperative Societies issued vide memo dated 04.01.1984 was revised according to the statutory provision of the rules and circulated vide this Memo No.4/8/87-Admn.II(4)/dated 26.04.88 (Annexure P-4). It was specifically mentioned in the seniority list that if any official had objection against the fixation of his position, he could represent against it stating full facts. The above seniority lists included the names of only those Sub-Inspector, Cooperative Societies whose names stood included in the seniority list as on 01.04.1971. In this seniority list (P-4), the seniority of the petitioner was determined at Sr. No. 403 whereas the seniority of respondents No.4 and 5 was shown at Sr. No.395 and 399 respectively as per provision of the service rules. The contention of the petitioner is totally wrong that above seniority list was prepared under rule 12 of the Haryana Cooperative Department Group ‘C’ (Executive) Rules, 1980 as is reproduced by the petitioner in this para. The said seniority later on after considering the representation was finalized which was circulated vide Memo. Dated 18.10.1989. In this way the seniority of the petitioner had been determined according to the provision as per Rule 8(i) of the Service Rules, 1936 by which he was governed instead of the merit of the Subordinate Services Selection Board, Haryana.”

Be that as it may, writ petition is disposed of with liberty to the petitioners to file an appropriate application in case, any cause of action still survives.

05.04.2022

vandana

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No