

Sr. No.687

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP-15784-2000 (O&M)
Date of decision: 24.05.2022

Ram Chander	Vs.	...Petitioner
State of Haryana and others		...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.D.Sharma, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of mandamus directing the respondent No.1 to promote the petitioner as Deputy Controller along with all consequential benefits.

2. Petition was admitted on 11.02.2002.
3. 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 21 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.
4. 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 1 and 4 of the reply, which are reproduced herein below for ready reference:-

““1. That petitioner was promoted as Zilledar on stop gap arrangement. As per provision in the service Rule-12 of the Zilledar State Services Class-III Rules 1955, for inclusion in the seniority of Zilledar, candidate is required to qualify the Departmental Revenue Examination within a maximum period of 3 years. The petitioner had not pass Departmental Revenue Examination and thus he had never come in the seniority nor become eligible for promotion as Deputy Collector. All the alleged juniors have already passed Departmental Revenue Examination as per rules and having the seniority they have been given current duty charge to the post of Deputy Collector. Thus

no injustice has been caused to the petitioner and thereby petitioner has no claim for his promotion made in the present writ petition. On this sole ground, the present writ petition deserves dismissal.

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4. *That in reply to para 4 it is stated that the reversion orders of the petitioner were withdrawn vide order dated 17.9.96 (Annexure P-1). It is admitted that the name of petitioner was placed at Sr. No.63-A, below Sh. Man Singh and above Sh. Rati Ram, Zilledar in the tentative list of Zilledars. In fact the seniority of Zilledar is governed under rule 13 of the Punjab Public Works Department (Irrigation Branch) Zilledars State Service Class-III Rules 1955 which is reproduced as under:-*

13(1) The seniority of members of the service shall be determined by the date of confirmation in the service.

Provided that if two or more members are confirmed on the same date, seniority shall be determined according to pay, preference being given to the member drawing a higher rate of pay and if the rate of pay drawn is the same seniority shall be determined according to length of total service as Zilledar, preference being given to the member having the longer service; and if the length of service is also the same seniority shall determined according to age the elder member senior to a younger members.

(2) The seniority of candidate appointed in one batch during the calendar year shall be determined according to age.

Appointment to the service as Zilledar on probation against permanent vacancies will be made according to the order in which the name stand on the list so prepared.

The petitioner is not a regular Zilledar as he was promoted in stop-gap-arrangement. Neither he has passed the DRE nor he has been confirmed in the cadre of Zilledar. Hence the question of including the name of the petitioner in the final seniority list of confirmed Zilledars does not arise.”

5. Learned State counsel has canvassed arguments on the similar lines as the stand taken in the aforesaid written statement.

6. I am in agreement with the stand taken by the respondents as aforesaid. Neither any replication has been filed to the afore noted stand of the respondents nor any additional affidavit of any kind to controvert the same.

7. In view of the aforesaid, no grounds are made out to interfere.
Dismissed.

24.05.2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No