

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

CWP No. 17337 of 1997

DATE OF DECISION : 21.04.2022

Chander Shekhar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : None for the petitioner.

Mr. R. K. S. Brar, Addl. AG, Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1997. The grievance of the petitioner is that he has fulfilled all the conditions specified in the Punjab Public Works Department (Irrigation Branch), Zileedars State Service Class III Rules, 1955 but his confirmation has been deferred and it is ordered that he would be confirmed on his turn.

Petition was admitted on 05.03.2002.

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 24 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 1 of the preliminary objections and para 6 of the reply on merits, which is reproduced herein for ready reference:

“1. Preliminary objections :

The petitioner was selected by SSS Board Haryana and appointed as Zileedar on 6.9.90. The matter regarding seniority of the Zileedars including the petitioner was decided by the Hon'ble Supreme Court of India in C.A No.1144, 1145 and 1146 of 1990 vide order of the dated 17.4.90. Copy of the order is appended at Annexure P-4. The Hon'ble Supreme Court of India has clarified in the above order that their inter-se-seniority shall be on the basis of their initial selection on the basis of merit through SSS Board Haryana.

As such the seniority of the petitioner has been maintained by the respondent department in view of the above directions of Hon'ble Supreme Court of India. The petitioner in the present petition has requested to confirm his service from the date of passing D.R.E and accordingly his seniority be maintained. The order of the Supreme Court of India mentioned above is binding on the respondent department and accordingly the seniority has been maintained of the Ziledars."

6. That in reply to para no.6 of the writ petition it is submitted that although the relevant rules with regard to the confirmation of appointment speaks that the confirmation would be made after qualifying the Departmental Revenue Examination, yet the Hon'ble Supreme Court of India has laid down a law in this regard in Civil Appeal No.1144, 1145 and 1146 of 1990 observing that the seniority of the Ziledars will be considered on the basis of merit list prepared by the SSS Board, Haryana at the time of selection. Accordingly, the respondent department has considered the representation of the petitioner along with Sh. Mohan Ram Ziledar as per direction of this Hon'ble High Court in CWP No. 12901 of 1995 and passed a speaking order No.4031/6NGE-II/96 dated 8.3.96 (Annexure-3). The said order was passed after giving personal hearing to the petitioner and after going through the relevant record and rules. Thus, in view of the above submission the petitioner is not entitled to be confirmed with effect from 25.1.91.

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

(ARUN MONGA)
JUDGE

April 21, 2022
Shalini

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No