

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

**Sr. No.582**

**CWP-15652-1999 (O&M)**

**Date of decision: May 19, 2022**

Ms. Kamlesh Singla

...Petitioner

Versus

State of Haryana and Others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

**Present:** None for the petitioner.

Mr. R.D. Sharma, Deputy Advocate General, Haryana.

Mr. R.K. Malik, Sr. Advocate  
with Mr. Sandeep Dhull, Advocate  
for respondent No.4.

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**ARUN MONGA, J. (ORAL)**

Petition was filed in the year 1999, *inter alia*, for issuance of a writ in the nature of certiorari to quash order dated 30.09.1999 (Annexure P-4) reverting the petitioner from the post of Tehsil Revenue Accountant to that of Wasil Baqi Nawis (WBN).

2. Service conditions of the post of Wasil Baqi Nawis is covered by statutory rules vis-à-vis The Haryana Revenue Department District Subordinate (Group-C) Service Rules, 1988. Relevant Rule i.e. Rule 11 thereof is reproduced herein below :-

*“Rule 11. Seniority :- Seniority, inter se of members of the service shall be determined by the length of continuous service on any post in the service.*

*Provided that where there are different cadre in the service, the seniority shall be determined separately for each cadre:*

*Provided further that in the case of members appointed by direct recruitment, the order of merit determined by the Board, shall not be disturbed in fixing the seniority:*

*Provided further that in the case of two or more members appointed on the same date, their seniority shall be determined as follows:-*

- (a) a member appointed by direct recruitment shall be senior to a member appointed by promotion or by transfer:*
- (b) a member appointed by promotion shall be senior to a member appointed by transfer:*
- (c) in the case of members appointed by promotion or by transfer, seniority shall be determined according to the seniority of such members from which they were promoted or transferred: and*
- (d) in the case of members appointed by transfer from different cadres, their seniority shall be determined according to pay, preference being given to a member who was drawing a higher rate of pay in his previous appointment and if the rates of pay drawn are also the same, then by their length of such service and if the length of service is also the same, the older member shall be senior to the younger member.”*

3. Further, in the written statement filed on behalf of respondent No.4 following stand has been taken :-

*Under Appendix-B, the following qualification has been prescribed for promotion as Wasil Baqi Nawis.*

*“In case of promotion, three years experience as Assistant Wasil Baqi Nawis.”*

4. In the backdrop of the aforesaid Rules, respondent No.4 was promoted as Wasil Baqi Nawis w.e.f. 21.06.1993 and on that date the petitioner was not having the requisite essential qualification of 3 years' experience as Assistant Wasil Baqi Nawis. As per the salary slip of the petitioner, she completed three years' experience as Assistant Wasil Baqi Nawis on 25.06.1993 and therefore there was no question of her being considered for promotion prior to that date. Perusal of the aforesaid Rule 11 *ibid* clearly depicts that seniority is to be determined prior to consider the claim of promotion and since the petitioner was not eligible, no fault can be found with the promotion of respondent No.4.

5. In view of the aforesaid, no ground for interference is made out.  
Petition is dismissed.

6. Since the main case has been decided, pending civil miscellaneous application, if any, also stands disposed of.

(ARUN MONGA)  
JUDGE

May 19, 2022  
*ashish*

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