

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

**CWP No.6698 of 2000 (O&M)
Date of decision: 23.05.2022**

Kamla and another ...Petitioners

Vs.

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioners.

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

Mr. S.K.Sharma, Advocate for respondent No.4.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari to quash the order dated 13/26.08.1998; 17.04.2000 and 14.07.1997 whereby respondent No.4 has been promoted as Statistical Assistant and put the respondent No.4 in seniority above the petitioners.

2. Petition was admitted for hearing on 14.07.2003.

3. When taken up for adjudication, there is no representation on behalf of the petitioners. 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 petitioners seem to have lost interest in pursuing the same.

4. Learned counsel for respondent No.4 at the outset submits that respondent No.4 has retired from service during pendency of the writ petition.

5. In any case, having perused the record/pleadings, it appears that even on merits, claim of the petitioners is not admissible. Reference may be had in particular to para 1 of the preliminary objections of the reply filed by respondents No.1 to 3.

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. Appendix 7B of the Higher Education Directorate (State Services Class-III) Rules, 1974 mandate the necessary qualification for appointment to the post of Computer, which is as below:-

“At least three years service as Clerk in the service and knows of tabulation of statistics and handling of calculating machine.”

8. The post in question herein was required to be filled on transfer basis, but ofcourse subject to the candidate being in possession of the requisite qualification as above. From amongst the eligible candidates, respondent No.4 was found to be more suitable and accordingly, her case was favourably recommended to the then Subordinate Staff Selection Board (now known as Haryana Staff Selection Commission). However, as it turned out later, respondent No.4 though had all the other pre-requisites, but it was found that she lacked the minimum 3 years of work experience on a regular post. Accordingly, upon re-examination of her case, she was treated to have been appointed on transfer basis w.e.f. 01.01.1994 instead of the earlier date of 29.01.1992 keeping in view that her services were regularized in the field office w.e.f. 31.12.1990. Her work experience was counted in terms

thereof and her appointment on transfer was accordingly, treated w.e.f. 01.01.1994 vide order dated 26.04.1994/ 10.05.1994 (Annexure R-1).

9. Subsequent thereto, respondent No.4 was given benefit of Government instructions dated 28.04.1997 and her date of regularisation was changed from 31.12.1990 to 30.09.1988. As a consequential benefit thereof, her three years of experience on the regular post was naturally also treated and counted w.e.f. 30.09.1988 resulting in correction of her date of appointment on transfer basis w.e.f. 29.01.1992 as was originally proposed. The respondents thereafter, followed due procedure to bring out the changes in the seniority-list and notice was also served on the effected persons including the petitioners. Petitioner No.1 though objected to the change of seniority assigned to respondent No.4, but petitioner No.2 conveyed No Objection to the same regardless, there is no arbitrariness in change of seniority duly deserved favourably by respondent No.4 as has already been discussed hereinabove. I find no grounds to exercise any judicial review of the impugned orders herein wherey the necessary changes were carried out in the due date of joining of respondent No.4 on transfer basis including seniority thereof.

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

11. Dismissed.

23.05.2022
hemlata/mahavir

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No