

Sr. No.710

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-4108-2001 (O&M)
Date of decision: 25.05.2022

Raj Kumari and others

...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.

ARUN MONGA, J. (ORAL)

Petition herein, inter alia, is for issuance of a writ in the nature of Certiorari quashing an office order dated 19.01.2001 (Annexure P-11), passed by respondent No.3 by which claim of the petitioners seeking selection grade on the basis of total posts including permanent and temporary was rejected. It is alleged that rejection is on the basis of wrong calculation and ratio of posts of Male & Female being malafide and adamant in not granting the benefit of selection grade to the petitioners.

2. Petition was admitted for hearing on 09.04.2002.

3. When taken up for final 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. Furthermore, it transpires that the current age of the petitioners would be 80 years or so as the exact age is not borne out from the record appended with the petition. However, in view of the Supreme Court judgment in Rafiq Masih, no recovery shall be made from the petitioners for any excess amount in case it is so

happened during the time the petitioners were in service since concededly there was no misrepresentation on the part of the petitioners in drawing their salary.

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

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

7. I am in agreement with the stand taken by the respondents. 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.

8. In their defense, the respondents have pleaded that after the formation of Bhiwani District only 1531 posts of J.B.T. Teachers of State cadre (Male and female) were transferred to Bhiwani District by both the Districts i.e. Mahendragarh and Hissar and 901 male JBT Teachers and 149 female J.B.T. Teachers of State cadre were working against these posts on 9.8.73 in Bhiwani District. The selection grade were to be granted to the J.B.T. Teachers on the working position of the Male and female J.B.T. Teachers in Bhiwani District and as per the working position of the J.B.T. Teachers, the ratio of Male and female J.B.T. Teachers of state cadre of Bhiwani District was 6:1 prior to 1.1.1975 (Male and Female, respectively).

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

10. Dismissed.

25.05.2022

mamta/mahavir

Whether speaking/reasoned:

Whether reportable:

(ARUN MONGA)
JUDGE

Yes/No

Yes/No