

Sr. No.525

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
CWP-7733-1999 (O&M)
Date of decision: 12.05.2022

Raj Kishan

...Petitioner

Vs.

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 respondents to fix the seniority of the petitioner at Sr. No.2 being senior to respondents No. 4 to 12.

2. Petition was admitted in the year 1999 and has been lying admitted since then.

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 22 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same. Learned State counsel submits that petitioner has retired.

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 of the reply which is reproduced herein for ready reference:-

“1. That the petitioner has remained as clerk since 1975 upto the year of 1989 in Ambala & Kurukshetra district. The District Yamuna Nagar was created in the year 1989 and the petitioner was transferred from D.C.Office Kurukshetra to D.C.Office, Yamuna Nagar on 04.11.89 at his own request. After the re-organization of the new district Yamuna Nagar and others, the Government of Haryana framed a policy regarding cadre and seniority of Class III & IV employees (a copy is enclosed as Annexure R-I &II). As per Government policy only those employees who were transferred from

District Ambala to Yamuna Nagar, Karnal to Panipat, Kurukshetra to Kaithal, Narnaul to Rewari will carry their original seniority and those employees who were transferred from other districts will lose their seniority. So far as the area of district Kurukshetra is concerned, only Sub Tehsil Radaur was merged in district Yamuna Nagar. The Commissioner, Ambala Division, Ambala issued a letter dated 12.02.93 regarding seniority of Sub Tehsil Radaur's employees. (copy is enclosed as Annexure R-IV). As per Commissioner, Ambala Divn. Ambala letter dated 12.02.93, only the staff working in sub Tehsil Radaur will carry their original seniority. Thus keeping in view of policy of Government dated 20.10.90 and 16.01.91 and Commissioner, Ambala Division, Ambala's letter dated 12.02.93. The petitioner is not entitled for his seniority with retrospective effect of his old district Kurukshetra as he was working in D.C. Office Kurukshetra not in sub Tehsil Radaur at the time of his transfer from Kurukshetra to Yamunanagar."

5. 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.
6. In view of the aforesaid, no grounds are made out to interfere.
7. Dismissed.

12.05.2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No