

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision:16.10.2023

1. LPA-729-2023 (O&M)

Rajbir Singh

....Appellant

V/s.

State of Haryana and others

....Respondents

AND

2. LPA-730-2023 (O&M)

Jaidev and others

....Appellants

V/s.

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Chanderhas Yadav, Advocate
for the appellant(s).

Mr. Deepak Balyan, Addl.A.G., Haryana.

Ritu Bahri, Acting Chief Justice

CM-1891-LPA-2023

In view of the averments mentioned in the application, the same is allowed and the delay of 135 days in filing the appeal is condoned.

LPA-729-2023 (O&M)

This order shall dispose of two Letters Patent Appeals i.e. LPA-729-2023 and LPA-730-2023 having identical issue. For the sake of convenience, facts are being extracted from LPA-729-2023.

2. The present appeal has been filed by the appellant against the

judgment dated 15.12.2022 passed by the learned Single Judge in CWP-28140-2022 in which the petitioner-Rajbir Singh was seeking setting aside of the order dated 04.05.2022 (Annexure P-15) whereby his representation dated 14.10.2020 (Annexure P-11) regarding his claim of seniority over and above the private respondents was rejected by the respondent-authorities.

3. The brief facts of the case are that the petitioner-appellant was promoted as Assistant on 11.02.2011 on the basis of seniority and the private respondents were promoted as Assistant w.e.f. 29.02.2008. As per order dated 04.05.2022 (Annexure P-15), the seniority of the Clerks was fixed in the original gradation list. The petitioner-appellant was appointed on the post of Clerk in the year 1994 on compassionate ground. Staff Selection Commission selected 5373 candidates in the year 1989 out of which 1692 candidates were given appointment in the year 1990. The selection of some of the persons was challenged and travelled upto the Supreme Court and as per the decision of the Supreme Court, those persons were given appointment in the year 2000 including the private respondents. The provisional gradation list was prepared in the year 2006 and the petitioner-appellant was placed at serial No. 268 in seniority and private respondents were at serial No. 320 onwards.

4. We have heard learned counsel for the parties and gone through the detailed judgment. The writ petition was dismissed on the ground that the petitioner was promoted to the post of Assistant on 11.02.2011 whereas private respondents were promoted as Assistant w.e.f. 29.02.2008.

5. Learned counsel for the appellant has not been able to dispute the fact that the petitioner-appellant was promoted on the post of Assistant on 11.02.2011 whereas the private respondents were promoted as Assistants

on 29.02.2008. Hence, it is clear that the petitioner-appellant was junior to the private respondents against whom he is claiming benefit.

6. Keeping in view the above fact, the judgment dated 15.12.2022 passed by the learned Single Judge does not require any interference.

7. The Letters Patent Appeal is dismissed. Pending civil application, if any, stands disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

16.10.2023
Divyanshi

(MANISHA BATRA)
JUDGE

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