

CWP No. 18810 of 2019

2023:PHHC:160100

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 231)

(1)

CWP No. 18810 of 2019
Date of Decision : 13.12.2023

Birender Singh and others

...Petitioners

Versus

The State of Haryana and another

...Respondents

(2)

CWP No. 7821 of 2023

Bir Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Tanisha, Advocate for
Mr. Vivek Singla, Advocate for the petitioners
in both cases.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. By this common order, two writ petitions, the details of which have been given in the heading, are being decided as both these petitions involve the same question of law on similar facts.

2. In the present petitions, the grievance of the petitioners is that the seniority in the cadre in which the petitioners are working, is not being finalized, which is causing prejudice to them.

3. Learned counsel for the petitioners argues that once the petitioners are working in the Cadre of Clerk, they are entitled for seniority from the date of their continuous length of service, which benefit is not being extended to them so as to make the petitioners eligible for further promotions. Learned counsel for the petitioners submits that the respondents be directed to finalize the seniority in the cadre of Clerks in a time bound manner and thereafter, consider the claim of the petitioners in accordance with law as to whether, petitioners are entitled for promotions to the promotional post or not.

4. Learned counsel for the petitioner in CWP No. 7821 of 2023 submits that the benefit as claimed by the petitioner for regularization of his service from antedate has already been extended to the similarly situated employees, hence, the same be also considered while passing appropriate order while finalizing the seniority list.

5. Learned counsel for the respondents submits that the seniority in the cadre of Clerks will be finalized by 31.05.2024 and thereafter, the claim of the petitioners will be considered as to whether keeping in view the seniority position of the petitioners, petitioners are entitled for promotion or not and in case, it is found that petitioners are entitled for promotion, the said benefit will be given to them as and when department decide to effect promotion from the cadre of Clerk.

6. Learned counsel for the petitioners submits that keeping in view the said statement of learned counsel for the respondents, the present petition may kindly be disposed of having been not pressed any further, at this stage, with liberty to the petitioners that in case, the final seniority list causes prejudice to the petitioners, they can avail appropriate remedy for the redressal of their grievances.

7. Ordered accordingly.

8. A photocopy of this order be placed on the file of connected case.

December 13th, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No