

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206) CWP-15908-2013 (O&M)
Date of Decision : September 05, 2023

Jalaludin .. Petitioner

Versus

State of Haryana and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Adarsh Jain, Advocate, for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Mr. Shiv Kumar, Advocate, for respondent No.3.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-9498-CWP-2023

As prayed for, the application is allowed.

Final seniority list of Patwaris is taken on record.

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1. Learned counsel for the petitioner submits that during the pendency of the present petition, the respondents have amended the seniority list, which has given a fresh cause of action to the petitioner to claim promotion with effect from the date persons junior to him were promoted.

2. Learned counsel for the petitioner further submits that in view of the change in seniority position, the respondents are under an obligation to consider the claim of the petitioner for promotion to the higher post of

Kanungo with effect from the date persons junior to him were promoted.

3. Learned State counsel submits that keeping in view the facts which have come on record, the change of the seniority will not make much difference as the employee, who has been promoted, who is claimed as being a junior to the petitioner i.e. respondent No.3, was promoted against the reserved post being a candidate under the Scheduled Caste category, qua which post petitioner cannot raise any claim.

4. Learned counsel appearing on behalf of respondent No.3 submits that promotion of the petitioner was against a reserved post hence, the change in seniority will not make much difference qua the promotion of respondent No.3.

5. Learned counsel for the petitioner has disputed that the promotion of the private respondent was against a reserved post on a roster point but was against a post belonging to General Category.

6. Be that as it may, in case the petitioner has any grievance that in view of the changed seniority, he has a claim for promotion to the post of Kanungo with effect from the date persons junior to him were promoted, the petitioner should file an appropriate representation by corroborating the said plea with the documents concerned with the respondents claiming the said relief and in case any such claim is raised, the respondents are directed to decide the said claim within a period of eight weeks of the receipt of any such representation.

7. It may be noticed that in case any such representation is filed by the petitioner, all the concerned who are likely to be affected by the outcome of the said claim, will also be given due opportunity to represent their claim before passing the appropriate order on the claim of the petitioner.

8. It is made clear that this Court is not expressing any opinion on merits of the case or the claim being raised in the present petition as noticed hereinbefore, which issue will be decided by the Department on the basis of the record.

9. The present writ petition is disposed of in above terms.

September 05, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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