

CWP No. 25385 of 2017

2023:PHHC:111036

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 215)

(1)

CWP No. 25385 of 2017
Date of Decision : 24.08.2023

Ishwar Chand

...Petitioner

Versus

State of Haryana and another

...Respondents

(2)

CWP No. 14128 of 2018

Pawan Kumar Gaur and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dharmender Singh Rawat, Advocate
for the petitioner(s).

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

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

For the sake of convenience, facts are being taken from CWP No. 25385 of 2017.

Learned counsel for the petitioner submits that in the present petition, the prayer of the petitioner is to fix his seniority in the Cadre of Zileadar.

It may be noticed that the present petition was filed in the year 2017, whereas the petitioner has already retired from service in the year 2012. Seeking a writ in the nature of mandamus for fixing the seniority after five years of the retirement, cannot be given consideration. The seniority dispute, which can only be maintained during the service career, cannot be agitated after a period of 05 years of the retirement.

Further, learned counsel for the petitioner(s) concedes the factum that with regard to fixing his salary equivalent to the salary being granted by the juniors, benefit has already been extended to the petitioner(s). Once the said relief has already been extended to the petitioner(s), raising the grievance in respect of seniority fixed and that too after 05 years of retirement, cannot be permitted.

Keeping in view the above, no ground is made out for giving any direction to the respondents to fix the seniority of the petitioner(s) as prayed in the present petitions.

Dismissed.

August 24, 2023
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No