

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(108)

CWP-19037-2023

Date of Decision : August 31, 2023

Rajender Kumar and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.S. Majithia, Advocate, for the petitioners.

Mr. Tapan Kumar Yadav, Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance which has been raised by the petitioners is that they had applied for the post of Conductors in pursuance to the Advertisement No. 4/2008 which was issued in July 2008 and when the selection with regard to the said advertisement was pending, the respondents had issued another advertisement being Advertisement No.3/2009 dated 28.02.2009.

2. Learned counsel for the petitioners argues that the respondents completed the selection process in pursuance to the advertisement No.3/2009 which was issued at a later point of time than the advertisement in pursuance to which the petitioners applied but the claim of the petitioners was kept pending and it is only when the petitioners approached this Court claiming the benefit of appointment under the Advertisement dated

08.07.2008 (Annexure P-1), the respondents have appointed the petitioners on the post after being duly selected, hence, once the petitioners were appointed in pursuance to the Advertisement which was issued prior in time than the one against which the private respondents have been appointed, the petitioners are to be treated as senior to the private respondents for all intents and purposes.

3. Notice of motion.

4. Mr. Tapan Kumar Yadav, learned Deputy Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondents.

5. Learned counsel for the respondents submits that as of now, there is no seniority list prepared and in case the petitioners raise any grievance before the authorities concerned, appropriate order will be passed by the competent authority by giving opportunity of hearing to the petitioners as well as the employees, who were appointed in pursuance to the Advertisement No.3/2009 dated 28.02.2009 and appropriate order will be passed within a period of three months of any such claim received.

7. Learned counsel for the petitioners submits that the present petition may kindly be disposed of having been not pressed at this stage with liberty to the petitioners to file appropriate representation claiming the same relief as claimed in the present petition.

8. Ordered accordingly.

August 31, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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