

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

**COCP-1095-2016 (O&M)
Date of decision: 01.03.2023**

Krishna Rani and another

...Petitioners

Versus

Sanjeev Kaushal and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. R. K. Arora, Advocate
for the petitioners.

Mr. Manish Dadwal, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition is pending since 2016.

The petitioners are alleging violation of the order dated 01.10.2013, passed by this Court in CWP-8784-2011, vide which, while allowing the writ petition, the following directions were given:

“20. For the foregoing reasons, this writ petition is allowed. The seniority of the clerical line and the stenography line is directed to be separated. Promotions within Stenography and clerical line henceforth be made in accordance the 1998 rules alone. The seniority/gradation list as on 31.3.2008 is ordered to be re-cast. The promotion order dated 14.3.2011 would hold good for the promotions made but that would not give them right of seniority on the clerical side. Senior Scale Stenographer would remain restricted in their promotion in accordance with rule 9(1) (VI). The views expressed by the Chief Secretary, Haryana and the Legal Remembrancer, Haryana are declared not binding being inconsistent and contrary to the provisions of the Haryana Public Relations Department Headquarters

Establishment-Ministerial Wing (Group-C) Service Rules, 1998.”

Learned counsel for the petitioners submits that thereafter, the aforesaid order was modified on 23.09.2015.

Thereafter, successive compliance affidavits have been filed and as per the last affidavit, a speaking order has been passed, vide which, petitioner No. 2 Hem Lata, after recasting of the seniority list, was at Sr. No. 25 and as per office order dated 17.12.2015, she has been promoted as Deputy Superintendent retrospectively w.e.f. 21.05.2012 on a vacant post of the General Category. It is further stated that all the benefits, in respect of the post of Deputy Superintendent, have been granted to Hem Lata w.e.f. 21.05.2012. With regard to petitioner No. 1 Krishna Rani, it is stated that after recasting of the seniority list, she was at Sr. No. 31 and has retired on 30.06.2013. It is also submitted that since no post of Deputy Superintendent belonging to General Category was vacant/available, therefore, she could not be promoted at the relevant time.

In view of the above, no case of any willful disobedience is made out against the respondents.

The petition is dismissed.

Rule stands discharged.

However, the petitioners are granted liberty to avail the alternative remedy, in accordance with law, if so advised.

01.03.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No