



**RSA-2794-1996**

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

**RSA-2794-1996  
Date of decision: 21.05.2024**

**JAGMAL SINGH**

**...APPELLANT**

**VERSUS**

**HARYANA STATE AND ORS.**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: None for the appellant.

Mr. R.D. Sharma, DAG, Haryana.

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**NAMIT KUMAR, J. (ORAL)**

1.            The instant Regular Second Appeal has been directed against the judgment and decree dated 08.10.1996, passed by the learned Additional District Judge, Rewari, whereby the judgment and decree dated 29.11.1995 passed by the learned Senior Sub Judge, Rewari, decreeing the suit of the plaintiff, has been set aside and the suit of the plaintiff has been dismissed.

2.            The plaintiff filed suit for declaration and consequential relief by stating that he was appointed on 08.01.1974 as Clerk in the office of Deputy Commissioner, Hisar and was confirmed on 07.04.1979 and vide letter dated 20.10.1979, options were invited on creation of 04 new Districts and the plaintiff gave the option for transfer. Later on, on 10.01.1991, a tentative seniority list was issued and the plaintiff was placed at serial No.50 and later on, in another list issued on 17.12.1991, he was placed at serial No.29. The said seniority list dated 17.12.1991 was impugned in the suit. The stand of the defendants was that the seniority of the plaintiff was rightly fixed at serial No.29 in the final seniority list as per date of joining in the new District. The suit filed by the plaintiff was decreed by the learned Senior Sub Judge, Rewari vide judgment



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and decree dated 29.11.1995 and the said judgment was set aside by the learned lower Appellate Court vide judgment and decree dated 08.10.1996 against which the instant Regular Second Appeal has been preferred.

3. Learned State counsel submits that the appellant/plaintiff had already retired from service on attaining the age of superannuation in March, 2008. The plaintiff was transferred from District Hisar to newly created District of Rewari on his own request with the condition that he will lose his seniority and effected persons were not impleaded as parties in the civil suit. He further submits that in view of the above, no effective relief can be granted to the appellant as he stood retired in 2008 and the issue of seniority has become academic.

4. In view of the above, the present appeal is disposed of as having become infructuous.

21.05.2024  
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**(NAMIT KUMAR)**  
**JUDGE**

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