



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

885

CWP-11438 of 2009

Date of Decision: 27.09.2024

Vineet Benwal

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the petitioner.
Mr. Tapan Kumar, DAG, Haryana

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition is for directing the respondents to frame and determine the seniority of the petitioner by considering the past service rendered by him as Transport Officer in Health Department, Haryana.

2. Learned State counsel makes a reference to para No.1 of preliminary submissions of the written statement, which reads thus:

“1. That the petitioner does not have any cause of action to file the present writ petition. Further, he has also concealed material facts and statutory provisions and has not approached this Hon'ble Court with clean hands. He has not correctly annexed at Annexure P-2 the relevant rules called the “Haryana Labour Department (Group-B) Service Rules, 1987” regulating the conditions of recruitment and seniority of the Group-B service in Labour Department of Haryana Government. He has wrongly placed reliance on the proposed amendment in these rules, whereas the Rules of 1987 have yet not been amended and notified. In fact the same have not even been placed before the Council of Ministers for consideration and approval. He has also not been fair in stating

that facts of the case correctly i.e. the fact of nature of his appointment in the Labour Department. He has also not correctly mentioned and not correctly annexed at Annexure P-11 the “Haryana Labour Department (Group-A) Service Rules, 1996” because he has wrongly mentioned the Rule 9 of these rules relating to method of recruitment as amended, whereas the same has never been amended as yet. Still further, he is also estopped by his own act, conduct and acquiescence. All these aspects of the case are being submitted here blow in the successive sub-paras for apprising this Hon’ble Court of the correct position for passing appropriate exemplary orders:-

(A) The dispute raised in the present case by the petitioner relates to the recruitment and seniority positions of the ‘Group-B’ service in the Labour Department of Haryana Government i.e. the Group-B post of “Assistant Director, Industrial Safety and Health”. The relevant rules for regulating the recruitment and seniority of the Group-B Service posts as formulated by the State Government of Haryana (Governor of Haryana) in exercise of powers conferred under proviso to Article 309 of the Constitution of India are called, the “Haryana Labour Department (Group-B) Service Rules, 1987” which were notified on 1st January, 1988. The functions of the Government under proviso to Article 309 of the Constitution of India are the legislative functions.”

3. In view of the above, the present petition is disposed of, reserving the petitioner with a liberty to get it revived, in case need arises.

(AMAN CHAUDHARY)
JUDGE

September 27, 2024

dinesh	Whether speaking	:	Yes/No
	Whether reportable	:	Yes/No