



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

1031

CWP-140-2013

Date of decision: 16.10.2024

Narain Singh Dhiman

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None for the petitioner.

Mr. Dushyant Saharan, AAG, Haryana.

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition is for directing the respondent No.2 to comply with the order dated 21.10.2011, to which learned State counsel makes a reference to para 3 and 4 of the preliminary submissions of written statement, relevant extract thereof reads thus:-

“3.The respondent department had already been released all the retiral benefits after withholding the gratuity amount of Rs. 150951 which was withheld due to pending charge sheet of Rule-7 of HCS (P&A) Rules against the petitioner at the time of his Superannuation but the same has been released after completion of ibid departmental proceeding vide order dated 29.11.2011. This cannot be said intentional delay on the part of respondents.

4.The Seniority of the petitioner on the aforesaid posts has rightly been fixed in view of Government instructions dated 14.10.1999 in which "the principal of operation of Roster decided in case of R.K. Sabharwal applicable from 10.02.1995 and principal of accelerated Seniority decided in Ajit Singh's case applicable from 01.03.1996." Therefore, keeping in view the above two judgments and Government Instructions dated 14.10.1999 the Seniority of the petitioner in the cadre of Accountant has rightly been fixed on the basis of Seniority of Clerk's cadre. Thus petitioner's Seniority position to the post of Accountant falls at Serial No. 33 below Sh. Narain Dutt and above to Smt. Janak Dulari. Further, it is pertinent to mention here that the petitioner had given his representations dated 14.09.2009 and legal notice dated 11.12.2009 qua the issue to



the respondents, where upon the respondent department had passed a well reasoned speaking order dated 03.09.2010 after following direction of Hon'ble High Court 07.04.2010 in CWP No.6352 and the petitioner never challenged to the ibid speaking order to the competent authorities or to the competent court of law.....

.....In this regard it is submitted that his junior Smt. Janak Dulari promoted to the post of Superintendent on 11.08.2009 and the petitioner retired on 31.03.2009 then how he can claim for the benefit of promotion after his retirement at par with his junior that was at Serial No. 34 in the Seniority list made on 01.01.2006. In this way the petitioner cannot be promoted to the post of Superintendent (Field) w.e.f. the date when his junior Smt. Janak Dulari was promoted.....

.....Further, it is submitted to this Hon'ble Court that petitioner is saying that the four persons namely Pawan Kumar, Rajbir Singh, Gurnam Singh and Jagdish Chander Accountant are junior to him and they were promoted by ignoring to the petitioner, in this regard, it is submitted that above named four persons i.e. Pawan Kumar, Rajbir Singh, Gurnam Singh and Jagdish Chander Accountant were senior as per the Seniority list made on 01.01.2006. The Seniority Nos. of aforesaid persons are as 7, 16, 17 & 18 respectively, whereas in the same Seniority list the petitioner was falling at Serial No. 33.”

2. 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

16.10.2024

Hemant

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