

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-25649-2018 (O&M)

Madan Lal Sethi

... Petitioner

VS.

State of Haryana & Ors.

... Respondents

1.	Judgment reserved on	27.01.2026
2.	Judgment pronounced on	23.03.2026
3.	Judgment uploaded on	25.03.2026
4.	Whether operative or full judgment	Full
5.	Delay in pronouncement of full judgment and reasons, if any	NA

CORAM: HON’BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Abhishek Sethi, Advocate,
Ms. Richa Sethi, Advocate and
Mr. Tej Bahadur Yadav, Advocate for the petitioner

Mr. Ravi Dutt Sharma, DAG Haryana

Mr. Ravi Malik, Advocate for respondents No.5&6

Sandeep Moudgil, J.

Prayer

(1). The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India, inter alia, for issuing a writ of certiorari quashing the order dated 08.08.2018 (Annexure P6) passed by respondent No.4 whereby the objections filed by petitioner for finalization of tentative seniority list of Clerks dated 17.05.1999 in the office of Deputy Commissioner, Panipat w.e.f. 31.10.1989, have been rejected. A further direction is sought to make the tentative seniority list of clerks as final w.e.f. 31.10.1989 and grant consequential benefits to the petitioner.

Contentions raised

(2). Learned counsel for the petitioner submits that the petitioner joined as Clerk on regular basis on 08.11.1973 in the Revenue Department and

was eventually promoted to the rank of Superintendent in February, 2010 and thereafter he retired on attaining the age of superannuation w.e.f. 31.03.2010 from the office of Deputy Commissioner, Sonipat. While submitting that his services are governed by the Haryana Revenue Department District Subordinate (Group C) Service Rules, 1988 (in short, the 1988 Rules) and after the bifurcation of Karnal, the petitioner was posted at Panipat but his seniority was governed as per the parent District of Karnal as the petitioner was not transferred rather he came to be posted at Panipat upon bifurcation.

(3). However, it is pointed out that as per the seniority list dated 23.03.1995, one Raj Rani and Sheela Rani were shown senior to him to which he objected and even filed CWP No.14790 of 1997 which was disposed of on 10.11.1997 directing the respondents to finalise the seniority list of Clerks in District Panipat and in pursuance thereof, a final seniority list was circulated on 07.05.1999 (Annexure P1) which depicted the petitioner at Sr.No.47 followed by Sheela Rani at Sr.No.58 and Raj Rani at Sr.No.59 w.e.f. 31.10.1989.

(4). He further submits that CWP No.6523 of 1999 was preferred by Sheela Rani and Raj Rani against the said seniority list, wherein initially the operation of the said list was ordered to be stayed but subsequently, the writ petition itself was dismissed by this Court on 29.07.2015 abating the effect of the interim order. It is further submitted that after the dismissal of the writ petition, the petitioner was asked to file objections to the seniority list of 1999 (Annexure P1) which he filed on 10.02.2016.

(5). He further argued that the seniority list dated 07.05.1999 w.e.f. 31.10.1989 has attained finality since the CWP No.6523 of 1999 challenging the said seniority list has been dismissed and it is well settled that the interim

order if any passed in the writ petition cease to exist as the main writ petition itself has been dismissed as infructuous and as such, the petitioner deserve notional promotion as Assistant Superintendent and Superintendent along with consequential benefits with an accelerated effect. Reliance has been placed on **Geetha VM & Ors. vs. Rethnasenan K.& Ors. 2025(4) SLR 214** wherein it has been held that absorbed employees are entitled to seniority from the service in their original department where the transfer or absorption was not on their own request but in furtherance to the policy decision.

(6). It is further averred that Raj Rani and Sheela Rani were transferred from Kurukshetra to Karnal in the year 1978 and then to Panipat on their own requests and not due to any administrative exigency and as per letter dated 13.09.1976, it has been explicitly clarified that seniority cannot be bestowed upon the employees upon their transfer in the district of their transfer either on mutual basis or their own request since such transfers cannot be considered to have been done in public interest. He further urged this Court vide order dated 01.04.1998 passed in CWP Nop.4663 of 1998 had declined the plea of the majority of the Clerks for grant of seniority inasmuch as the post of Clerk in the office of Deputy Commissioner is a District Cadre post and the officials/Clerks who are already working in the District Panipat cannot be ignored at the instance of transferee employees.

(7). Written statement dated 12.03.2019 has been filed by Sumedha Kataria, IAS, Deputy Commissioner, Panipat on behalf of respondents No.1 to 3 wherein it has been averred that the seniority dispute originates from a provisional seniority list dated 07.05.1999 circulated by Deputy Commissioner, Karnal, which was initially stayed in CWP No.6523 of 1999 and the said writ

petition was subsequently rendered infructuous as all parties including petitioner had superannuated by 2008-2012, drawn salaries for posts held and as such there remained no live cause of action. It is urged that revisiting seniority post-retirement would compel notional promotions, salary arrears in lakhs, revised pensions with interest, and cascading claims from similarly placed retirees, burdening the State exchequer unjustly for unperformed duties.

(8). It is submitted that Para 7 of the 1999 order by Deputy Commissioner, Karnal, clearly states the seniority list was forwarded to Deputy Commissioner, Panipat, for finalization regarding transferred employees thus, it was merely provisional and not final for the petitioner and as such, no reliance on this incomplete order is conceivable. He further submits that SSS Board recommendations confirm Smt. Sheela Rani and Smt. Raj Rani were recommended on 02.08.1973, ahead of petitioner's 20.09.1973 recommendation and that Rule 11 of 1988 Rules, mandates preserving this merit order for district recruits which was admitted by the petitioner in pursuance to CWP No.20969 of 2018.

(9). It is further contended that the letter dated 13.09.1976 issued by the Commissioner, Hisar Division, Hisar referred to in para 14 of the writ petition is wholly inapplicable inasmuch as Karnal and Panipat never fell under Hisar Division and it lacks issuance from competent Government authority e.g., Financial Commissioner, Revenue besides there is no verifiable instructions.

(10). Reply has also been filed by the respondents No.5&6 reiterating the stand as taken by the official respondents.

Analysis & Finding

(11). Having heard learned counsel for the parties, this Court is of the considered opinion that the writ petition is liable to be dismissed at the threshold on the ground that no surviving cause of action subsists and the claim is hopelessly belated. The seniority dispute arises out of events of 1995–1999, while the petitioner himself superannuated on 31.03.2010 and all concerned employees retired between 2008–2012. The only object of the present exercise is to secure notional re-fixation of seniority with retrospective promotions and consequential arrears and pension revision, long after the service tenure has come to an end. Courts have consistently held that seniority and promotional disputes should not be reopened after a long lapse of time, particularly after retirement, as such belated claims are barred by delay and laches and the writ jurisdiction under Article 226 is not intended to confer purely paper promotions or financial windfalls for past periods when no work was actually performed on those posts.

(12). Even CWP No.6523 of 1999 harped upon by the petitioner, which was filed by the rival clerks/private respondents was dismissed as infructuous with an express observation that no cause of action survived as all parties had already superannuated, which reinforces the position that the lis itself has become academic and ought not to be revived indirectly through the present petition.

(13). Even on merits, no enforceable right is shown to have accrued in favour of the petitioner. The so-called “final” seniority list dated 07.05.1999 issued by the Deputy Commissioner, Karnal, by its own Para 7, treated the position of employees borne on the bifurcated Panipat cadre as provisional,

subject to finalisation by the Deputy Commissioner, Panipat, and therefore could not, in law, be treated as a conclusive determination of inter se seniority in that district. No direction under the writ jurisdiction can be issued to treat a provisional or tentative list as final and to grant consequential promotions thereon.

(14). Otherwise also, at the time of transfer of the private respondents, the Rule applicable were the Punjab District Subordinate Services Rules, 1942, which do not provide any provision of losing seniority upon transfer from one district to another. Neither do the transfer order contains any condition of losing seniority upon transfer.

(15). Further, the respondents have specifically pleaded that as per the recommendations of the Subordinate Services Selection Board, the names of Smt. Sheela Rani and Smt. Raj Rani were recommended on 02.08.1973, earlier than that of the petitioner on 20.09.1973, according to which Raj Rani is at Sr.No.6 followed by Sheela Rani at Sr.No.7 and the petitioner at Sr.No.8 as per seniority list of Assistants issued by the DC, Panipat (Annexure P7). That apart, Rule 11 of the 1988 Rules, mandates that the order of merit as determined by the recruiting agency shall not be disturbed while fixing seniority of district recruits.

(16). The Supreme Court has repeatedly held that where the rules tie seniority to the merit position of the selection list, rearrangement to suit individual claims is impermissible. The petitioner's reliance on a letter dated 13.09.1976 issued by the Commissioner, Hisar Division, is also misconceived, as Karnal and Panipat districts have never been within Hisar Division and the letter is not shown to be a statutory or Governmental instruction binding on the

cadre sans any notification or instruction traceable to the competent authority.
Such a correspondence cannot override the express statutory rules.

(17). In these circumstances, given the long delay, the post-retirement stage, the provisional character of the 1999 list, the clear Rule-based seniority in favour of the contesting employees, and the disproportionate financial and administrative consequences of reopening a long-settled cadre, the writ petition is not maintainable and is devoid of merit, and is thus dismissed, leaving the impugned order dated 08.08.2018 (Annexure P6) undisturbed.

(18). Ordered accordingly.

23.03.2026
V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No