
(1975) 04 RAJ CK 0008
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1717 of 1971

Bhawani Shanker

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

Date of Decision : 07-04-1975

Acts Referred:

Citation : (1975) WLN 208

Hon'ble Judges : D.P. Gupta, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

D.P. Gupta, J.—Heard learned Counsel for the parties.

2. The main grievance of the petitioner in the present writ petition was in respect of his seniority in the cadre of Lower Division Clerks. He also had a grievance regarding the date of his confirmation as according to the petitioner he should be deemed to have been confirmed much earlier than January 1, 1975, The petitioner prayed that the seniority list dated March 23/24, 1971 be set aside.

3. The respondents No. 1 and 2 in their reply have stated that the impugned seniority list dated March 23/24, 1971 has been superseded and a fresh provisional seniority list of substantive Lower Division Clerks of Collectorate, Part as on February 1, 1975 has been issued and objections have been invited in respect thereof. According to the respondents No. 1 and 2 the grievance of the petitioner, in respect of his seniority does not subsist now, as the new seniority list dated January 31, 1975 has been prepared on the basis of the date of appointment of the employee concerned and not on the basis of the date of confirmation. A copy of the provisional seniority list dated January 31, 1975 has also been placed on record as Ex. R/1. The respondents No. 1 and 2 have submitted that in view of the fact that a new provisional seniority list Ex. R/1 has been issued, the writ petition has become infructuous.

4. It no doubt appears that the main grievance of the petitioner that his seniority

should be reckoned from the date of his appointment as Election Supervisor i.e. from May 25, 1956 has been conceded in principle by the respondents No. 1 and 2 and the seniority list dated March 23/24, 1971 has also been superseded on account of the issuance of a new provisional seniority list dated January 31, 1975. In the provisional seniority list Ex. R/1, the date of initial appointment of the petitioner has been mentioned as May 26, 1956. As regards the respective dates of confirmation of the petitioner and the respondents mentioned in the aforesaid seniority list Ex. R/1, the petitioner is free to raise objection in respect of the said provisional seniority list before the Collector, Pali. He may also in such objections raise contentions, if any, with regard to the inter se seniority of other persons. Moreover, the matter relating to the date of confirmation may no longer be of much importance to the petitioner, in view of the fact that in the new provisional seniority list Ex. R/1 the seniority has been assigned on the basis of the date of first appointment of the employees.

5. In view of this state of things, learned Counsel for the petitioner agrees that the writ petition has become infructuous and he does not wish to press the same.

6. In the aforesaid circumstances, the writ petition is dismissed as not pressed. However, the parties are left to bear their own costs.