
(2010) 10 SHI CK 0273
In the High Court Of Himachal Pradesh
Case No : C.W.P. (T) No. 4641 of 2008

Brij Lal Thakur

APPELLANT

Vs

State of H.P. and Others

RESPONDENT

Date of Decision : 19-10-2010

Acts Referred:

Citation : (2010) 10 SHI CK 0273

Hon'ble Judges : Kurian Joseph, C.J;Kuldip Singh, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The Writ Petition is filed with the following prayers:

- 1) That the seniority list Annexure-A-1 and A/1/A, being arbitrary discriminatory, illegal, unfair and unjust may be quashed.
- 2) That the office order, Annexure-A/2, being illegal and contrary to the facts of the case, may be quashed.
- 3) That the Annexure-A/10 issued by respondent No. 2 may be quashed being arbitrary, illegal, unfair, unjust and discriminatory regarding seniority, and the applicant may be ordered to be placed at Sr. No. 5 and the respondents 4 & 5 may be ordered to be placed below the applicant at sr. No. 6 & 7.
- 4) That the applicant may be allowed senior scale of Rs. 1200-2100 w.e.f. 1.2.1989, i.e. from the date from which his juniors, respondents No. 4 & 5 have been allowed the same.

2. In the reply at paragraph 3, it is stated as follows:

Para-3. The Tentative Seniority List of Clerks was issued vide letter No. Nil dated 20.11.86. The Name of the Petitioner appears in this list at Sr. No. 7 whereas Respondents Nos. 4 & 5 are at Sr. Nos. 5 & 6 respectively. The Petitioner never submitted his objection to the tentative Seniority List. The Seniority List at Annexure-"A" is the final Seniority List. The Petitioner failed to submit objection

to the tentative seniority list and therefore, he is estopped from challenging the final seniority list.

3. In view of the position stated as above in the reply-affidavit and in view of other submissions in the reply-affidavit, in case the petitioner has still any dispute with regard to the factual position, it will be open to him to approach the first respondent, in which case, the matter will be duly considered by the first respondent, with notice to the affected parties. The Writ Petition is disposed of, so also the pending application(s), if any.