

(2011) 03 SHI CK 0342
In the High Court Of Himachal Pradesh
Case No : Civil Review No. 22 of 2011

Duni Chand and Another

APPELLANT

Vs

Sita Ram and Others

RESPONDENT

Date of Decision : 18-03-2011

Acts Referred:

Citation : (2011) 03 SHI CK 0342

Hon'ble Judges : Kurian Joseph, C.J;V.K. Ahuja, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Kurian Joseph, C.J.—This is a review petition at the instance of the third party. The review Petitioners seek review/modification of the judgment dated 8.12.2010 in LPA No. 53 of 2009. In the said judgment, this Court has only laid down a principle as to how the seniority has to be settled in the case of all those who are covered by the same order and the same date of appointment. It was noticed by this Court that seniority was erroneously fixed on the basis of date of joining. This Court held that in the case of seniority, all those persons covered by the same order of appointment and the same date of appointment, the seniority can be fixed only on the basis of merit as fixed in the select list and in the case of the persons where there is no such order by merit, the eldest will rank above the younger in age indicated. That is a well settled principle in service jurisprudence. We do not find any ground for reviewing the judgment. The review petition is dismissed.

2. Learned Counsel for the Petitioners submits that the review Petitioners have been enjoying the benefit of seniority and consequential benefit of promotion for long time and on account of the implementation of the judgment, they would be reverted. Still further it is submitted that they are on the verge of retirement. These grievances, the Petitioners may bring to the notice of the Government so that the Government will get an opportunity to explore the possibility to balance the equity.

3. Learned Counsel for the Petitioners further submits that the Government may be directed to create supernumerary posts till the retirement of the Petitioners. This aspect, the Government may have to consider in accordance with law when they approach the Government.

4. With these observations, the review petition is dismissed, so also the pending applications, if any.