
(2010) 10 SHI CK 0324
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 2202 of 2008

Fakir Chand

APPELLANT

Vs

H.R.T.C. and Others

RESPONDENT

Date of Decision : 22-10-2010

Acts Referred:

Citation : (2010) 10 SHI CK 0324

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

Bench : Division Bench

Final Decision : Dismissed

Judgement

Kurian Joseph, C.J.—The petitioner has filed the present petition with the following prayer:

7.(i) That the final seniority list circulated on August 31,1988 (Annexure-11) as also the tentative seniority lists circulated in 1973 (Annexure-A-1); 1975 (Annexure-A-2) and 1981 (Annexure-A-3) be quashed and set aside.

2. In the reply filed by the first respondent at para 6(iii) it is stated thus:

6.(iii) From the perusal of the seniority list of Clerks as on 1.4.1973 circulated on 17.1.1974, it is evident that the respondents serial Nos. 2 to 29 have been assigned seniority according to the above provision of the Recruitment and Promotion Rules in the ratio of 50:50 prescribed for direct recruits and promotees. It is further submitted that direct quota posts of clerks/ Typists were filled in 1968 and promotion quota posts in 1972 and seniority was assigned to them in the ratio of 50:50. Had the promotion quota posts been filled simultaneously in the year of 1968 there would have obviously no dispute between direct recruits and promotees. The averments made by the applicant regarding judgment given by the Hon"ble Supreme Court of India in their judgment delivered in the year 1990 in respect of direct recruits class III Engineering Officers Association and Ors. v. State of Maharashtra and Ors. has not bearing on cases decided long back during sixties and seventies. The

seniority list as on 1.4.1973 has been issued on 17.1.74. On the formation of H.R.T.C. w.e.f. 2.10.1974 the Government of Himachal Pradesh vide Notification No:4-3/74(Tpt)(ii) dated 1.10.1974 Clause (h) has issued directive that seniority of Himachal Govt. Transport employees will remain intact as it existed on 1.10.1974 (Annexure R-III). Therefore, this Corporation is bound not to make any changes in the seniority lists of erstwhile H.G.T. employees. Even otherwise the contention of the applicant is not based on merit also as there has been no violation of relevant R & P Rules under which the seniority was determined by the erstwhile H.G.T. Therefore, no injustice has been done to the applicant in so far the question of seniority and promotion is concerned. The respondents from Sl. No. 2 to 29 were, therefore, by implication of the rules ibid senior to the applicant and were promoted further to the posts of Accounts/Assistants/Junior Auditors on their turn.

3. In view of the position explained above, we do not find any merit in the writ petition, accordingly, the same is dismissed.