

(2012) 11 P&H CK 0045
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 21662 of 2012

Panjab Singh and Another

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 01-11-2012

Acts Referred:

Citation : (2012) 11 P&H CK 0045

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Advocate : D.S. Rawat, for the Appellant;

Final Decision : Dismissed

Judgement

Augustine George Masih, J.—Petitioners have approached this Court praying for issuance of a writ of mandamus directing respondents to finalize the provisional/tentative inter-se seniority list of Lecturers Political Science (School Cadre), which has been displayed on the internet site of the Education Department, Haryana on 28.1.2012 as it stood on 1.10.2011 (Annexure P-6) in accordance with law laid down by the Supreme Court in the case of Ajit Singh Janjua and others vs. State of Punjab and others, 1999 (4) RSJ 211 (S.C.) and as per the instructions dated 14.10.1999 (Annexure P-1) issued by the Government of Haryana giving effect to the said judgment. Reliance has also been placed on the judgment passed by this Court in CWP No. 5956 of 2008 titled as Charan Dass vs. State of Haryana, decided on 18.11.2008 (Annexure P-2) as also the judgment passed by this Court in CWP No. 17280 of 2011 titled as Prem Kumar Verma and others vs. State of Haryana, decided on 07.08.2012 (Annexure P-5) wherein the instructions dated 16.3.2006, which granted accelerated seniority to the Scheduled Caste employees as a consequence of promotion under the reservation policy, stand quashed being ultra vires of the Constitution and counter to the dictum in M. Nagaraj and Others Vs. Union of India (UOI) and Others, with a further prayer that the petitioners be granted the consequential benefits of stepping up of their pay equal to that of their junior respondent No. 3-

Bhagat Singh, Lecturer, Political Science, who had been promoted prior to the petitioners despite he being junior only on the basis of accelerated promotion as he belongs to the reserved category whereas the petitioners belong to the General Category. Claiming the above-mentioned benefit, petitioners have served a legal notice dated 10.08.2012 (Annexure P-7) upon respondents No. 1 and 2 but till date no decision thereon has been taken or conveyed to the petitioners.

2. Counsel for the petitioners contends that the petitioners, at this stage, would be satisfied if a direction is issued to respondent No. 1-Financial Commissioner and Principal Secretary to Government of Haryana, Education Department, to consider and decide the legal notice dated 10.08.2012 (Annexure P-7) within some specified time. Without going into merits of the case or commenting thereon, the present writ petition is disposed of with a direction to respondent No. 1-Financial Commissioner and Principal Secretary to Government of Haryana, Education Department, to consider and decide the legal notice dated 10.08.2012 (Annexure P-7) within a period of four months from the date of receipt of certified copy of this order. If the petitioners are held entitled to the claim made by them through their legal notice, consequential benefits be released to them within a further period of two months. In case the claim of the petitioners is rejected, the same shall be done by passing a speaking order. Decision so taken be conveyed to the petitioners forthwith.