In the High Court of Punjab and Haryana at Chandigarh.

Civil Writ Petition No.\_\_\_\_\_\_\_\_\_of 2021

**MEMO OF PARTIES**

1. Satyaveer Singh (aged about 52 years) son of Sh. Nihal Singh resident of Village Satror-Khurd Tehsil and Distt. Hisar presently working as Clerk in the Office of the Deputy Commissioner, Hisar.

2. Prem Singh (aged about 48 years) son of Sh. Banwari Lal resident of Village Ludas Tehsil & Distt. Hisar presently working as Clerk in the Office of the Deputy Commissioner, Hisar.

**-------------------Petitioners**

**Versus**

1. State of Haryana through its Financial Commissioner, Department of Revenue, Haryana Civil Secretariat, Sector -17, Chandigarh.
2. Commissioner, Hisar Division , Hisar.
3. Deputy Commissioner, Hisar.
4. Deputy Commissioner, Fatehabad.
5. Deputy Commissioner, Jind
6. Deputy Commissioner, Sirsa
7. Baljit Singh, Assistant, office of the Commissioner, Hisar Division,
8. Dinesh Kumar, Assistant, o/o Commissioner, Hisar Division, Hisar
9. Abhimanyu, Assistant o/o the Commissioner, Hisar Division, Hisar

**Respondent no.7-9 through Commissioner, Hisar Division ,Hisar**

1. Ram Kishan , Assistant O/o Deputy Commissioner, Fatehabad.
2. Satvir Singh Sihag Assistant O/o Deputy Commissioner, Fatehabad.
3. Neelam Nokhwal, Assistant O/o Deputy Commissioner, Fatehabad.
4. Ramesh Kumari, Asst. O/o Deputy Commissioner, Fatehabad.

**Respondent no.10-13 through Deputy Commissioner, Fatehabad**

1. Sanjeev Kumar Nehra Asst. O/o Deputy Commissioner, Jind.
2. Chain Singh Assistant O/o Deputy Commissioner, Jind
3. Saroj Bala ,Asst. O/o Deputy Commissioner, Jind.

**Respondent no.14-16 through Deputy Commissioner, Jind**

1. Shamsher Singh Asst. o/o the Deputy Commissioner, Hisar
2. Suresh Kumar Berwal,Asst. O/o Deputy Commissioner, Hisar
3. Yashpal Assistant O/o Deputy Commissioner, Hisar.

**Respondent no.17-19 through Deputy Commissioner, Hisar**

1. Nar Singh, Clerk O/o Deputy Commissioner, Fatehabad.
2. Rajender Singh, clerk O/o Deputy Commissioner, Fatehabad
3. Ranjan Bajaj, clerk O/o Deputy Commissioner, Fatehabad
4. Naresh Kumar, clerk O/o Deputy Commissioner, Fatehabad
5. Om Parkash Sihag, clerk O/o Deputy Commissioner, Fatehabad
6. Rajan Bajaj, clerk O/o Deputy Commissioner, Fatehabad
7. Naresh Kumar, clerk O/o Deputy Commissioner, Fatehabad
8. Genesh Dass, clerk O/o Deputy Commissioner, Fatehabad
9. Laxmi Devi clerk, O/o Deputy Commissioner, Fatehabad
10. Udey Veer Singh, clerk O/o Deputy Commissioner, Fatehabad
11. Rajesh Khatak, clerk O/o Deputy Commissioner, Fatehabad
12. Rajesh Jangra, Steno O/o Deputy Commissioner, Fatehabad
13. Ankush Kuamr, clerk O/o Deputy Commissioner, Fatehabad
14. Raj Rani, clerk O/o Deputy Commissioner, Fatehabad
15. Rajesh Balra, clerk O/o Deputy Commissioner, Fatehabad
16. Gopal Dass,Clerk O/o Deputy Commissioner, Fatehabad
17. Suresh Kumar, clerk O/o Deputy Commissioner, Fatehabad
18. Avdhesh Kumar, clerk O/o Deputy Commissioner, Fatehabad
19. Sachin Kumar, clerk O/o Deputy Commissioner, Fatehabad
20. Gulshan Kumar, clerk O/o Deputy Commissioner, Fatehabad
21. Sandeep Kumar, clerk O/o Deputy Commissioner, Fatehabad
22. Jaswant Rai, clerk O/o Deputy Commissioner, Fatehabad
23. Suresh Kumar, clerk O/o Deputy Commissioner, Fatehabad
24. Hans Raj clerk O/o Deputy Commissioner, Fatehabad
25. **Satbir Singh, clerk O/o Deputy Commissioner, Jind**
26. Ram Niwas, clerk O/o Deputy Commissioner, Jind
27. Sanjeev Kumar Saini, clerk O/o Deputy Commissioner, Jind
28. Suresh Kumar, clerk O/o Deputy Commissioner, Jind
29. Subhash Chand, clerk O/o Deputy Commissioner, Jind
30. Chander Parkash, clerk O/o Deputy Commissioner, Jind
31. Gajraj Singh, clerk O/o Deputy Commissioner, Jind
32. Sudesh Kumari, clerk O/o Deputy Commissioner,Jind
33. Satbir Singh, clerk O/o Deputy Commissioner, Jind
34. Raj Kumar, clerk O/o Deputy Commissioner, Jind
35. Anil Kumar-II clerk O/o Deputy Commissioner, Jind
36. Amit Dalal, clerk O/o Deputy Commissioner, Jind
37. Narender Singh, clerk O/o Deputy Commissioner, Jind
38. Wazir Singh, clerk O/o Deputy Commissioner, Jind
39. Dal Singh, clerk O/o Deputy Commissioner, Jind
40. Satbir Singh (Steno Typist) , clerk O/o Deputy Commissioner, Jind
41. Parveen Kumar, clerk O/o Deputy Commissioner, Jind
42. Jyoti, clerk O/o Deputy Commissioner, Jind
43. Satish (Steno Typist) O/o Deputy Commissioner, Jind
44. Poonam, clerk O/o Deputy Commissioner, Jind
45. 104.Pawan Kumar, clerk O/o Deputy Commissioner, Jind
46. Anil Dutt, clerk O/o Deputy Commissioner, Jind
47. Chetan, clerk O/o Deputy Commissioner, Jind
48. Dharmender , clerk O/o Deputy Commissioner, Jind
49. **Krishan Lal, clerk O/o Deputy Commissioner, Sirsa**
50. Bimla Devi, clerk O/o Deputy Commissioner, Sirsa
51. Baljeet Singh, clerk O/o Deputy Commissioner, Sirsa
52. Vinod Kumar, clerk O/o Deputy Commissioner, Sirsa
53. Rameshwar Dass ,clerk O/o Deputy Commissioner, Sirsa
54. Anita Rani, clerk O/o Deputy Commissioner, Sirsa
55. Rakesh Kumar, clerk O/o Deputy Commissioner, Sirsa
56. Ran Singh –II clerk, O/o Deputy Commissioner, Sirsa
57. Vipin Kumar, clerk O/o Deputy Commissioner, Sirsa
58. Anshi Lal, clerk O/o Deputy Commissioner, Sirsa
59. Pawan Kumar Sharma, clerk O/o Deputy Commissioner, Sirsa
60. Het Ram, clerk O/o Deputy Commissioner, Sirsa
61. Mahender Jakhar (Steno Typist) , O/o Deputy Commissioner, Sirsa
62. Gulab Singh (Steno Typist) , O/o Deputy Commissioner, Sirsa
63. Suman Kumari (Steno Typist) , O/o Deputy Commissioner, Sirsa
64. Subhash Saini, clerk O/o Deputy Commissioner, Sirsa
65. Raj Singh, clerk O/o Deputy Commissioner, Sirsa
66. Parmod Kumar, clerk O/o Deputy Commissioner, Sirsa
67. Paramjeet Singh, clerk O/o Deputy Commissioner, Sirsa
68. Harinder Pal Singh, clerk O/o Deputy Commissioner, Sirsa
69. Suresh Kumar,Steno Typist O/o Deputy Commissioner, Sirsa
70. **Rohit Kumar, clerk O/o Deputy Commissioner, Hisar**
71. Rajender Parsad, clerk o/o the Commissioner, Hisar Division, Hisar
72. Satish Kumar, clerk O/o Deputy Commissioner, Hisar
73. Sunil Tanwar, clerk O/o Deputy Commissioner, Hisar
74. Durga Devi, clerk O/o Deputy Commissioner, Hisar
75. Rakesh Kumar,clerk O/o Commissioner Hisar Division, Hisar
76. Rohtash Kumar,clerk O/o Commissioner Hisar Division, Hisar
77. Hari Singh (Steno Typist) , O/o Deputy Commissioner, Hisar
78. Kamal (Steno Typist) , O/o Deputy Commissioner, Hisar
79. Omda Singh, clerk O/o Deputy Commissioner, Hisar
80. Vijay Singh, clerk O/o Deputy Commissioner, Hisar
81. Jitender , clerk O/o Deputy Commissioner, Hisar
82. Sunil Kumar, clerk O/o Deputy Commissioner, Hisar
83. Amar lal, clerk O/o Deputy Commissioner, Hisar
84. Pardeep , clerk O/o Deputy Commissioner, Hisar
85. Narender , clerk O/o Deputy Commissioner, Hisar
86. Santosh Kumari (Steno Typist) , O/o Deputy Commissioner, Hisar
87. Gajender clerk O/o Commissioner Hisar Division, Hisar
88. Pawan, clerk O/o Deputy Commissioner, Hisar
89. Deepak Malik , clerk O/o Deputy Commissioner, Hisar
90. Kuldeep, clerk O/o Deputy Commissioner, Hisar
91. Manju, clerk O/o Deputy Commissioner, Hisar
92. Pawan Kansala, clerk O/o Deputy Commissioner, Hisar 112.Balbir Singh, clerk O/o Deputy Commissioner, Hisar

113. Satish Soni, clerk O/o Deputy Commissioner, Hisar

114. Devender Kumar steno ,O/o Deputy Commissioner, Hisar

115.Pushpa, clerk O/o Deputy Commissioner, Hisar

116.Suresh Kumar, clerk O/o Deputy Commissioner, Fatehabad

117.Smt. Seema Rani ,Steno Typist O/o Deputy Commissioner, Hisar

----------Respondents

Civil Writ Petition under Articles 226/227 of the Constitution of India for the issuance of an appropriate order or direction, calling for the record of the case and after perusal of the same :

Issue a Writ in the nature of Certiorari for quashing the impugned order dated 12.1.2021 Annexure P- 9 passed the respondent no.2 (Commissioner, Hisar Division, Hisar) vide which respondent no. to 11 were shown seniors to the petitioners in the final seniority list dated 9.11.2020 Annexure P-5 (only for the purpose of promotion to the post of Assistant from the Clerks/Steno/Typist on Divisional level, Hisar Division) and assigned the seniority no. 81 and 160, instead of 24 and 21 respectively to the petitioners is being discriminatory and against the statutory Rules-2000 (Annexure P-2).

Further a writ in the nature of Mandamus be issued directing the respondents to modify /amend the final seniority list dated 9.11.2020 (Annexure P-5) and assign the correct seniority no. (i.e 24 and 21) to the petitioners over and above to the private respondents no.5 to 117 respectively as per the original date of joining in Hisar Division i.e. 10.12.1997 (Petitioner no.1 ) and 3.10.1997 ( Petitioner no.2 ) instead of 17.12.2003 and 19.9.2013 (Annexure P-3) as per amended Rules -2000 with all services consequential benefits .

OR to issue any other appropriate order or direction which this Hon’ble Court may deem fit and proper peculiar facts and circumstances of the case.

**Respectfully showeth : -**

1. That the petitioners are resident of Haryana State and being the citizen of India, they are entitled to invoke the extraordinary writ jurisdiction of this Hon’ble High Court under Articles 226/227 of the Constitution of India.

**2. That** petitioners were selected and appointed as clerks on regular basis through proper selection procedure in 1990 and 1997 respectively. Petitioner no.1 joined in the office of the Deputy Commissioner at Sirsa in 1990 and Petitioner no.2 joined in the office of the Financial Commissioner at Chandigarh in 1997 after that, both were transferred from there and transferred to the same office of the Deputy Commissioner Fatehabad (Hisar Division) , petitioner no.1 joined on 10.12.1997 and petitioner no.2 joined on 3.10.1997 respectively, one condition was imposed on their transfer orders that they did not claim of the previous service benefit ( i.e before 1997 , because at that point of time , seniority of the clerks was maintained at district level according to 1988 rules, which is not disputed. These rules may be called the **Haryana Revenue Department District Subordinate (Group C ) Service Rules.1988.** True extract /translated copies of the transfer orders dated 26.11.1997 and 1.10.1997 of the petitioners are attached here with as **Annexure P-1.**

**3. That** a Notification No.GSR 56 Const/Art-309/ 2000 dated 18/22.8.2000 was issued by Haryana Government, Revenue Department, vide which, District Subordinate (Group C) Service Rules, 1988 were amended, and these rules be called the **Haryana Revenue Department Divisional Subordinate (Group C) Service (First Amendment ) Rules, 2000** to the effect that the seniority list for the purpose of promotion to the post of Assistant , which was earlier to be prepared before 18th August, 2000 by the offices of Deputy Commissioner on District level, the said seniority list of Clerks/Steno Typists will now be prepared on Divisional Commissioner level. It was also prescribed by way of rules that service of Clerks/ Steno Typists will be counted on Division level according to their length of service. True (extract) copy of the amended rules -2000 is attached herewith as **Annexure P-2.**

**4. That** a seniority list was prepared on 5.9.2000 on divisional level (first time) according to the said Notification dated 18.8.2000, which was prepared by counting the length of service of Clerks/ Steno Typists working in all districts in Hisar Division. In the final seniority list of 2000 ,petitioners were shown at sr. no. 346 and 340 respectively, after counting their length of service from date of joining in Hisar Division i.e. w.e.f 10.12.1997 and 3.10.1997 respectively. In this regard, there was no objection of the petitioners .

**5. That** when both the petitioners were posted as clerk in the D.C. office at Fatehabad (Hisar Division) later on, they were transferred to the D.C. office Hisar (same division) on 11.12.2003 and 29.7.2013 respectively. In the transfer orders (ibid) one condition was imposed that employee will not claim for seniority of previous service and his service will be counted from the date of joining in this office and further in the matter of the petitioner no.1, it is also mentioned that employee will file an affidavit that he will not claim of the seniority of his past service which was totally wrong and illegally and against the rules of 2000 but petitioner no. 2 not filed any undertaking through affidavit. Whereas, some of the others employee who were also transferred one district to other district the same division (Hisar Division) , there were no such condition was imposed . It is further submitted that when the seniority list of clerks was prepared on Divisional level, than such condition has no meaning that transfer of an employee one district to other district in same Division. A true translated copy of the transfer order dated 11.12.2003 of the petitioner no.1 and transfer order dated 29.7.2013 of the petitioner no.2 from Fatehabad to D.C. office Hisar ( Hisar Division) of the petitioners and other employees (private respondents) within the Hisar Division are attached herewith as **Annexure P-3.**

**6. That** after the period of 20 years, from the first seniority list of the year 2000 of clerks on Divisional level, (Hisar Division), in the month April -2020 a draft was prepared for the second seniority list for the promotion of the assistant from the post of clerks and a tentative seniority list was released of Clerks/ Steno/Typist, who were working in Hissar Division , before its finalization, respondent no.2 invited the objections of the said tentative seniority list in the month of April 2020 in which, objections were raised by petitioners that their seniority no. 346 and 340 were figured in the previous seniority list of the year 2000, now their serial. nos. are shown at 81 and 160 respectively in this tentative list of 2020 , whereas ,their seniority no. of the petitioner no.2 should have put before seniority no.23 because in this tentative seniority list, at sr. no. 21 Mr. Baljit Singh, clerk (respondent no.5 ) is shown , as his date of appointment in the Hisar Division is 29.10.1997, and petitioner no 1 should have put his seniority no.24 whereas, date of actual appointment/joining of the petitioners in the Hisar Division is fixed 10.12.201997 and 3.10.1997 respectively. True translated copies of the invited objections vide letter dated 23.4.2020 by the respondents no.2 regarding tentative seniority list of April 2020 and objection filed of its on 13.5.2020 by the petitioners are attached here with as **Annexure P-4.**

**7. That** after filing the objections by the petitioners than respondent no.2 along with other aggrieved employees gave an opportunity for personal hearing on 23 .10.2020 in this matter. Than petitioners raised all the objections regarding irregularities in the said tentative seniority list before the respondent no. 2 on 23.10.2020 at the time of personal hearing and raised the objections that their rendered services should have been counted from the actual date of joining in the Hisar Division i.e. w.e.f 10.12.1997 and 3.10.1997 respectively instead of 17.12.2003 and 19.9.2013 respectively of the petitioner no.1 and 2, because, according to the amended rule -2000 of the clerks , seniority list of the clerks be maintained on Divisional level and total length of service rendered in Divisional level would be counted, petitioners further raised the objections, that discrimination has been done to the petitioners, while other candidates, their total services rendered at Divisional level from the date of actual joining in the Hisar Division have been counted for the seniority but in the matter of petitioners, their total services rendered in Hisar Division have not been counted from the actual date of joining and their seniority number should be kept before sr. no. 24 in the final seniority list of 2020 for the promotion of the Assistants , petitioners further raised the objection before the respondent no.2 that in the tentative seniority list, their date of actual joining i.e 10.12.1997 and 3.10.1997 (both petitioners) in the D.C. office Fatehabad (Hisar Division) is not shown in column no.6 of the final seniority list of the year -2020 , whereas, their actual date of joining (as clerk) i.e 10.12.1997 and 3.10.1997 respectively in the D.C. office Fatehabad (Hisar Division) has been shown in the previous seniority list of the year 2000 .

**8. That** , in spite of that, objections raised by the petitioners before the respondent no.2 were rejected without any just reason and no speaking order was passed, by adopting serious irregularities i.e. adopting the pick and choose method . Petitioners were not given appropriate/effective opportunity of hearing and the services rendered by the petitioners in Hisar Division, are not counted in proper way. Only services rendered by some nears & dears, offered in Hisar Division, are counted on the basis of length of service, but petitioners are not given any effective hearing despite having raised written objections before tentative list and verbal objections at the time of personal hearing i.e on 23.10.2020. Lastly respondent no.2 on 9.11.2020 ordered to prepare the final seniority list of clerks for the promotion to the post of Assistants at Divisional level .It is pertinent to mention here that no correction was made in the final seniority list as tentative and final seniority list , both are the same . True/ translated copy of the final seniority list of the clerks for promotion to the post of Assistants dated 9.11.2020 prepared on Divisional level is attached herewith as **Annexure P-5.**

**9. That** according to Notification dated 18.8.2000, final seniority list of Clerks/ Steno Typists working in Hissar Division was to be prepared by counting the services rendered between 1997 and cut-off date i.e. 28.2.2017 by counting their length of service according to Revised Rules, 2000. In the event of having transferred from one to other District under Hisar Division or on having transferred on own request by concerned official, his/her length of service cannot be ignored nor it can be treated as fresh service, as according to Revised Rules, 2000, in the event of getting transferred within the Division on own request or not , there is no effect on length of service. But in the matter of the petitioners ,their service is counted w.e.f. 19.9.2013 regarding petitioner no.2 and he put on at Sr. No. 160, whereas he remained posted in various Districts of Hisar Division w.e.f. 3.10.1997. Similarly in case of Satyaveer Singh , petitioner No. 1, his service was required to be counted w.e.f. 10.12.1997, but his service rendered in Hisar Division has been counted w.e.f. 17.12.2003 and he put on in final seniority list at Sr. No. 81. On raising objections in this matter, it was told that you have got transferred from one to other District of the Hissr Division on your own request, hence are not entitled to get the benefit of your previous service, which is totally wrong & illegal according to revised Rules, 2000. Irrespective of the undertaking have been obtained from the petitioner no.1 regarding their not claiming the benefit of past service, nothing matter in front of Rules in force, further it is well settled proposition of law, that there is no estoppels against the statute and further settled that respondents cannot through –away legal rights or enter in to arrangement contrary to law.In this way, statutory rules of 2000 (Divisional level) have been completely bypassed , it means that there was no respect in law.

**10. That** while preparing seniority list of Clerks/ Steno Typists working in Hissar Division, the authorities adopted the pick and choose method and have counted the services, rendered by their near & dear in either district within Hissar Division. For the instance, Suresh Kumar (Respondent No.is put at Sr. No. 20, Baljeet at Sr. No. 21, Shamsher at Sr. No. 36 and Abhimanyu at Sr. No. 37, whereas according to Seniority List - 2000, the said employees were having seniority No. 339, 343, 379 & 381 respectively further, Rakesh Kumar who was fresh appointed as Clerk on 15.9.2000 in the D.C. Office Fatehabad and transferred on 24.4.2004 at Hisar (Divn. Office) his seniority no. was shown 86 whereas, petitioners who were actually joined in 1997 (Hisar Division) their seniority no. were shown 160 and 81 respectively. But now, they are get through for promotion to the post of Assistant before the petitioners , whereas, petitioner No. 1 & 2 were having Sr. No. 340 & 346 respectively in previous Seniority List – 2000, but in fresh Final Seniority List – November, 2020, they are allocated Sr. No. 81 & 160 respectively. A Copy of chart prepared by the petitioners for easy understanding which would clear the position in seniority list is attached herewith as **Annexure P-6.**

In this way, they have no chance of promotion to the post of Assistant and they are reaching their retirement which has caused them irreparable loss & injury which cannot be compensated.

**11. That**  the petitioners after finalization of the seniority list -2020 for the promotion of the Assistants from the post of clerks again raised the objections through legal notice served to the respondents on 1.12.2020 but respondent no.2 rejected the claim of the petitioners . A true copy of the legal notice dated 1.12.2020 is attached herewith as **Annexure P-7.**

**12. That** the respondent no.2 ultimately released the list of the 21 candidates for the promotion ,for the post of Assistants on 30.12.2020 from the post of clerks, in pursuance of the alleged final seniority list dated 9.11.2020 ,whereby more than 10 employees (private respondents) who were juniors in the Divisional level (Hisar Division) to the petitioners were promoted and further respondent no.2 i.e Commissioner, Hisar Division , rejected the claim of the petitioners vide order dated 12.1.2021 solely on the ground that when the petitioners were transferred ( in the year 2003 and 2013 Annexure P-3 ) from D.C. office Fatehabad to D.C. office Hisar, it was mentioned that employee will not claim of the previous seniority and their new seniority will be counted from the date of joining in the new office. It is totally wrong, illegal and against the statutory Rules of 2000, which is framed for the seniority of the clerks be maintained on divisional level because , when the seniority list of clerks was prepared on divisional level, than such condition has no meaning regarding transfer of an employee one district to other district in same Division. In this way, condition imposed by the respondent ,is no condition in the eyes of law, , nothing matter in front of Rules in force, further it is well settled proposition of law, that there is no estoppels against the statute and further settled that respondents cannot through –away legal rights or enter in to arrangement contrary to law further in the matter transfer one distinct to other district of other employee of the same division (Hisar Divn.) there was no such condition . True/translated Copies of the new promotion list dated 30.12.2020 of the Assistants and rejection order/impugned order dated 12.1.2021 passed by the respondent no.2 are attached herewith as **Annexure P-8 and P-9** respectively.

**13. That** the following material questions of law arises for determination by this Hon’ble High Court : -

**i)** Whether the action of the respondents not count the seniority of the petitioners rendered within division is legal ?

**ii)** Whether the action of the respondents is violative of principle of natural justice and against the statutory Rules- 2000 regarding count the seniority on division level ?

**iii)** Whether the action of the respondents is discriminatory and violative of Articles 14 and 16 of the Constitution of India?

**iv)** Whether grave and manifest injustice has been done with the petitioner?

**14. That** the petitioners have not filed any other such or similar writ petition earlier in this Hon’ble High Court or in the Hon’ble Supreme Court of India except CWP No. 1343 of 2021 ,which was dismissed as withdrawn on 21.1.2021 with liberty to the petitioners to file fresh one by implead all persons who are likely to be effected from the final seniority list -2020, Than petitioners impleaded all the employees , who are likely to be effected from the final seniority list-2020 but in the final seniority list -2020 some name of the employees/clerks are not mentioned in the memo of parties because some employees have since been retired from service, some employees have been expired and some of the employees adjusted in Tehsil offices own their request as AWBN (Assistant Wasal Baki Navis) . A true copy of the order dated 21.1.2021 passed by this Hon,ble High Court is annexed herewith as **Annexure P-10.**

**15. That** the petitioners have no other alternative remedy of statutory appeal or revision against the impugned order of the respondents except to file the present writ petition under Articles 226/227 of the Constitution of India.

In view of the submissions made above, it is, therefore, respectfully prayed that this Hon’ble Court may graciously be pleased to :-

1. Issue a Writ in the nature of Certiorari for quashing the impugned order dated 12.1.2021 (Annexure P-9) passed by the respondent no.2 i.e. Commissioner, Hisar Division, Hisar vide which objections filled by the petitioners against the seniority list were rejected and assigned the seniority no. 81 and 160 , instead of 24 and 21, to the petitioners in the final Seniority List dated 9.11.2020 (Annexure P-5) for the purpose of promotion to the Assistants from the clerks on Divisional level ( Hisar Division) is being discriminatory and against the statutory Rules-2000 (Annexure P-2 ) .
2. Further a writ in the nature of Mandamus be issued directing the respondents to modify /amend the final seniority list dated 9.11.2020 and assign the correct seniority no. i.e 24 and 21 as per the original date of joining in Hisar Division i.e 10.12.1997 and 3.10.1997 ( Petitioner no.1 and Petitioner no.2 ) instead of 17.12.2003 and 19.9.2013 (Annexure P-3) , as per amended Rules -2000 with all service consequential benefits
3. OR to issue any other appropriate order or direction which this Hon’ble Court may deem fit and proper peculiar facts and circumstances of the case.
4. permission may be granted to place on record the photo copies of the annexures
5. filing of certified/true typed copies of annexures may kindly be exempted;

It is further prayed that during the pendency of this writ petition, operation of the promotion list dated 30.12.202 (Annexure P-8) of the Assistants, promoted from the clerks, in pursuance of the seniority list dated 9.11.20 ( Annexure P-5) may kindly be stayed or/and further action of the respondent no.2 for finalization of the second promotion list of the Assistants for the clerks ,which is coming soon, kindly be stayed.

**Chandigarh**

**Dated: 15.1.2021**

**Through Counsel**

**( SURESH AHLAWAT)**

**Advocate**

**Verification.**

Verified that the contents of para 1 to 12 and 14 to 15 are true and correct to my knowledge. Legal averments are made in para 13 on the advice of the counsel and the same are believed to be correct.

Chandigarh

Dated:- 15.1.2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

IN C.W.P. NO. OF 2021 Satyaveer Singh and another …………. Petitioners

Versus

State of Haryana and Others ---------------Respondents

Affidavit of . Satyaveer Singh son of Sh. Nihal Singh resident of Village Satror-Khurd Tehsil and Distt. Hisar presently working as Clerk in the Office of the Deputy Commissioner, Hisar.

I, the above named deponent do hereby solemnly affirm and declare on oath as under: -

1. That the deponent has gone through the contents of the accompanying petition which have been drafted by the counsel on my instructions. The contents of the same are admitted to be true and correct and be read as part and parcel of this affidavit.

2. That no such or similar petition has earlier been filed either before this Hon,ble Court or Hon,ble Supreme Court of India

CHANDIGARH

DATED . ..2021

*VERIFICATION*

Verified that the contents of my above affidavit are true and correct to my knowledge. No part of it is false and nothing has been kept concealed therein.

CHANDIGARH

DATED : .2021

To

1. The Financial Commissioner (Revenue), Haryana,

Haryana Civil Secretariat,

Chandigarh;

1. The Commissioner,

Hisar Divison,

Hisar.

Subject: Regarding getting verified the final seniority list -November, 2020 in respect of of Clerks/ Steno Typists for promotion to the post of Assistant and for getting prepared the same afresh.

Sir,

It is humbly submitted before you as follows:

1. That a Notification No.GSR 52 Const/Art-309/ 2000 dated 18.8.2000 was issued by Haryana Government, Revenue Department, vide which, District Subordinate (Group C) Service Rules, 1988 were amended, to the effect that the seniority list, which was earlier to be prepared before 18th August, 2000 by the offices of Deputy Commissioner on District level, the said seniority list of Clerks/Steno Typists will now be prepared on Divisional Commissioner level. It was also prescribed by way of rules that service of Clerks/ Steno Typists will be counted on Division level according to their length of service.

2. That a final seniority list was pepared on 5.9.2000 according to the said Notification dated 18.8.2000, which was prepared by counting the length of service of Clerks/ Steno Typists working in Hissar Division.

3. That now, final seniority list of Clerks/ Steno Typists working in Hissar Division is prepared on 9.11.2020, in which, objections raised by applicants were rejected without any just reason by adopting serious irregularities. The applicants were not given appropriate opportunity of hearing and the services, rendered by the applicants in Hisar Division, are not counted in proper way. Only services rendered by some nears & dears, offered in Hisar Division, are counted on the basis of length of service, but applicants are not given any hearing despite having raised objections.

4. That according to Notification dated 18.8.2000, final seniority list of Clerks/ Steno Typists working in Hissar Division was to be prepared by counting the services rendered between 18.8.2000 and cutoff date i.e. 28.2.2017 by counting their length of service. According to Revised Rules, 2000, in the event of having transferred from one to other District under Hisar Division or on having transferred on own request by concerned official, his/her length of service cannot be ignored nor it can be treated as fresh service, as according to Revised Rules, 2000, in the event of getting transferred within the Division on own request, there is no effect on length of service. But as regard the applicant, service of Prem Singh, applicant No. 1, is counted w.e.f. 19.9.2013 and he is kept at Sr. No. 160, whereas he remained posted in various Districts of Hisar Division w.e.f. 12.2.1997. Similarly in case of Satvir, applicant No. 2, his service was required to be counted w.e.f. 10.12.1997, but his service in Hisar Division has been counted w.e.f. 17.12.2003 and he is kept in final seniority list at Sr. No. 81. On raising objection in this matter, it was told that you have got transferred from one to other District of the Division on your own request, hence are not entitled to get the benefit of your previous service, which is totally wrong & illegal according to revised Rules, 2000. Irrespective of the undertaking have been obtained from the applicants regarding their not claiming the benefit of past service, nothing matter in front of Rules in force.

5. That while preparing seniority list of Clerks/ Steno Typists working in Hissar Division, the authorities have counted the services, rendered by their near & dear in either district within Division. For the instance, Suresh Kumar is put at Sr. No. 19, Baljeet at Sr. No. 21, Shamsher at Sr. No. 36 and Abhimanyu at Sr. No. 37, whereas according to Seniority List - 2000, the said employees were having seniority No. 339, 343, 369 & 381 respectively. But now, they are get through for promotion to the post of Assistant before the applicant, whereas, applicants No. 1 & 2 were having Sr. No. 340 & 346 respectively in previous Seniority List – 2000, but in fresh Final Seniority List – November, 2020, they are allocated Sr. No. 160 & 81 respectively and this way, they have no chance of promotion to the post of Assistant, which has caused them irreparable loss & injury.

Hence you are humbly prayed that final seniority list -November, 2020 in respect of of Clerks/ Steno Typists may be prepared afresh after thorough verification of the same, the objections/complaints of the applicants may be heard and their

services, rendered in various Districts of Hisar Division, may be counted as per the length of service.

We would be thankful to you.

Yours faithfully,

Sd/-

Prem

Satbir, Clerks,

O/o. Deputy Commissioner,

Hisar.

Certified to be true & correct translation

Advocate

IN THE HIGH COURT FOR THE PANJAB AND HARYANA AT CHANDIGARH

C.W.P. No. of 2021

Satyaveer Singh and another ------------ Petitioners

VERSUS

State of Haryana and others ----------- Respondents

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NOTE:

1. That the main law points involved in the writ petition are contained in para no. at page no.

2. Relevant Statutes/Rules: Haryana Revenue Department Divisional Subordinate (Group C) Service Rules, 2000

3. The Constitution of India

1. Caveat petition filled :- No.

5 Similar case if any: No

CHANDIGARH  **(SURESH AHLAWAT)**

DATED: 25.1.2021 **ADVOCATE**

**COUNSEL FOR THE PETITIONER**

**En. No. P-370/1994**

**List of dates and events**

**1997** That petitioners were joined as clerks in the office of the Deputy Commissioner Hisar (Hisar Division) on 10.12.1997 and 3.10.1997 respectively, after transferred from other districts. When they joined, on that time, seniority was maintained at district level according to Sep.1988 Rules.

**2000** That a Notification dated 22.8.2000 was issued by Haryana Government, Revenue Department, vide which, District Subordinate (Group C) Service Rules, 1988 were amended, to the effect that the seniority list, which was earlier to be prepared before 18th August, 2000 by the offices of Deputy Commissioner on District level, the said seniority list of Clerks/Steno Typists will now be prepared on Divisional Commissioner level. It was also prescribed by way of rules that service of Clerks/ Steno Typists will be counted on Division level according to their length of service.

**5.9.2000** That a seniority list was prepared on 5.9.2000 on divisional level (first time) according to the said Notification dated 18.8.2000, which was prepared by counting the length of service of Clerks/ Steno Typists working in all districts in Hisar Division. In the final seniority list of 2000 ,petitioners were shown at sr. no. 346 and 340 respectively, after counting their length of service from date of joining in Hisar Division i.e. w.e.f 10.12.1997 and 3.10.1997 respectively.

**2003/2013** That petitioners who were posted as clerk in the D.C. office at Fatehabad (Hisar Division) transferred on 17.12.2003 and 19.9.2013 respectively to D.C. office Hisar (Hisar Division). In the said transfer orders a condition was wrongly imposed that employee will not claim for seniority of previous service and his service will be counted from the date of joining in this office. but some of the others employee transfer orders , there were no such conditions imposed .

**9.11. 2020** That after 20 years from first seniority list of the year 2000 of clerks on Divisional level, (Hisar Division ), second seniority list of Clerks/ Steno Typist working in Hissar Division was prepared on 9.11.2020, In this seniority list of 2020 ,petitioners were shown at sr. no. 81 and 160 respectively. Before its finalization respondent no.2 invited the objections of the tentative seniority list in the month of April 2020 .

After filing the objections by the petitioners than respondent no.2 along with other aggrieved employees gave an opportunity for personal hearing on 23 .10.2020 in this matter.

Petitioners raised all the objections regarding irregularities in the said seniority list , before the respondent no 2 on 23.10.2020 at the time of personal hearing and raised the objections that their services should be counted from the actual date of joining in the Hisar Division i.e. ,w.e.f 10.12.1997 and 3.10.1997 respectively instead of 17.12.2003 and 19.9.2013 ( petitioner no.1 and 2).

**9.11.2020** But in spite of that, objections raised by the petitioners before the respondent no.2 were rejected without any just reason and no speaking order was passed, by adopting serious irregularities. Lastly respondent no.2 on 9.11.2020 ordered to prepare the final seniority list of clerks at Divisional level .

In this way, they have no chance of promotion to the post of Assistant and they are reaching their retirement which has caused them irreparable loss & injury which cannot be compensated.

**1.12.2020**  Petitioner after finalization of the seniority list -2020 again raised the objections through served the legal notice to the respondents on 1.12.2020 but nothing done.

**30.12.2020/12.1.2021 That** the respondent no.2 ultimately released the promotion list of the 24candidates for the post of the Assistants on 30.12.2020 from the post of clerks, in pursuance of the alleged final seniority list dated 9.11.2020 and more than 15 candidates who were juniors to the petitioners were promoted and further respondent no.2 rejected the claim of the petitioners for correction in the said seniority list vide order dated 12.1.2021.

**On 19.1.2021** Petitioners filled the CWP No. 1343 of 2021 ,which was dismissed as withdrawn on 21.1.2021 and Hon,ble Court directed to the petitioners to file fresh one to implead all persons who are likely to be effected from the final seniority list -2020,

**Hence this writ petition .**

CHANDIGARH (SURESH AHLAWAT)

DATED: 25.1.2021 ADVOCATE

Counsel for the petitioners

HARYANA GOVERNMENT

REVENUE DEPARTMENT

Notification

The 18nd August,2000

No. GCR 52 Const./Art.-309/2000- In exercise of the powers conferred by proviso to Article309 of the Constitutional of India and all other enabling him in this behalf, the Governor of Haryana hereby makes the Following rules further to amend the Haryana Revenue Department District Subordinate (Group C) Service Rules,1988, namely .

1. These rules may be called the Haryana Revenue Department District Subordinate (Group C ) Service (Second amendment) Rules ,2000.

2. In the Haryana Revenue Department District Subornment (Group C) Service Rules ,1988 (hereinafter called the said rules), for rule 6.the following rule shall be substitute ed .amely;-

“6. Appointing authority- Appointment to the posts in the service shall be made by the Deputy Commissioner, concerned.”

Xxxxxxxx

L.M. Goyal

Financial Commissioner and Secretary to Govt. of Haryana, Revenue Department

HARYANA GOVERNMENT

REVENUE DEPARTMENT

Notification

The 22nd August,2000

No. GCR 56 Const./Art.-309/2000- In exercise of the powers conferred by proviso to Article309 of the Constitutional of India and all other enabling him in this behalf, the Governor of Haryana hereby makes the Following rules further to amend the Haryana Revenue Department Divisional Subordinate (Group C) Service Rules,1988, Namely .

1. These rules may be called the Haryana Revenue Department Divisional Subordinate (Group C ) Service (First amendment) Rules ,2000.

2. In the Haryana Revenue Department Divisional Subornment (Group C) Service Rules ,1988 (hereinafter called the said rules), in rule 9.for clause (a). (b) and (c) and entries thereafter ,the following clauses and entries under shall be substituted ,namely:-

a) xxxxx

(c) In the case of Assistant:-

By promotion from amongst Clerks/Steno-typists working in the Commissioner’s /Deputy Commissioners office of a Division;

Xxxxxxxxxx5

From

Sh.Vinay Singh. IAS

Commissioner, Hisar Division

To

1. Deputy Commissioner ,Sirsa, Jind, Fatehababd

Deputy Commissioner, Hisar

Sir no. 1-72 Seniority/EA-3/ 8479-82

**Dated, Hisar 09.11.2020**

Subject:- In the matte of promotion for the post of assistant, to releasing the final seniority list of Clerks/Steno/Typist on Divisional level .

Above mentioned subject, in continuation letter no. 1-72/seniority/EA-3/1548-51.dated 23.4.2020 and 1-72/seniority/EA-3 8183-86 dated 14.10.2020.

1. In the matter of under consideration, working clerk/steno/typist in the Divisional office and its subordinate offices of the Deputy Commissioners, received objections from theses offices, disposed of, on the basis of merit/demerit, than final seniority list of the working clerks/steno typist in the Hisar Division, is prepared only for the purpose of promotion to the post of Assistant, according to the position of dated 28.2.2017, copy of this, supplied for information to you.

Attached :-as above Supt.

Sd. Commissioner ,Hisar Division

No.1-72/seniority/EA-3/8483 Dated 9.11.2020

From

Sh.Vinay Singh. IAS

Commissioner, Hisar Division

To

1. Deputy Commissioner ,Sirsa, Jind, Fatehababd

Deputy Commissioner, Hisar

Sir no. 1-72 Seniority/EA-3/ 8479-82

**Dated, Hisar 09.11.2020**

Subject:- In the matte of promotion for the post of assistant, for preparation the final seniority list of Clerks/Steno/Typist on Divisional level .

In above mentioned subject, in continuation letter no. 1-72/seniority/EA-3/1548-51.dated 23.4.2020 and in the matter of letter no . 923 dte8.6.2020 .1772 dt.11.6.2020 .1175/dt.25.6.2020,959 dt.2.6.2020 and 1067 dt.19.6.2020 ,1042 dt.18.6.2020 of the offices Deputy Commissioner .Hisar.Sirsa,Jind,and Fatehabad.

1. In the matter of under consideration ,employees of your office represented in the matter of seniority list which given below:-

**Deputy Commissioner, Hisar**

1.Sh.Chand Singh clerk

2.Sudesh Kumari

3.Satish Kumar Soni

**4.Sh .Prem Singh, Clerk**

**5.Sh. Satyaveer Singh ,Clerk**

Xxxxxxxxxxxxxxx

1. Above mentioned employees, one opportunity is given for personal hearing before finalization of the seniority list of the clerk/steno/typists. So, it is humbly requested that above mentioned employees be informed so that ,they will present for personal hearing on 23.10.2020 at 10.00 a.m. before the Ld. Commissioner.

In addition ,in relation to your office establishment , a compliance report be sent in this office after noting every employee by the 23.10.2020.

Deputy Supt.

Commissioner. Hisar Division

No. 1-72/seniority/EA-3/8187 Dated 14.10.2020

To

The Tehsildar

Adampur

(Through proper channel)

Subject:- Regarding , for preparation of the seniority of clerks /steno/typist on divisional level for the purpose of promotion to the post of assistant.

Sir

In the above cited subject, regarding letter no.1-72/seniority/EA-3/1548/dated 23.4.2020 ,Commissioner ,Hisar Division.

It is informed to you that I,(Prem Singh) is posted on the post of clerk, in the office of the tehsildar ,Adampur(Hisar). My seniority no.160 is shown in the seniority list which has been sent by the Commissioner, Hisar Division. In as much, my seniority no.was shown at sr no. 340 in the seniority list of the year 2000 sent by the Ld. Commissioner. According to this ,my name should have been shown before sr.no.23,but did not released in this seniority list.

Thus, my humble request to you that my name should be registered before sr. no.23 in seniority list of 2017 according to the seniority list of 2000 issued by the Ld. Divisional Commissioner.

It will be so kind of you.

Applicant

Prem Singh ,Clerk.office of the Tehsil ,Hisar

Office Tehsil Adampur

No.181 /Account **dated 28.4.2020**

It is sent to the SDOI(C) Hisar for necessary action.

**Sd- Tehsil Adampur**

To

The Deputy Commissioner

Hisar

Subject:- Regarding , for preparation of the seniority of clerks /steno/typist on divisional level for the purpose of promotion to the post of assistant.

Sir

In the above cited subject, regarding letter no.1-72/seniority/EA-3/1548/dated 23.4.2020 ,Commissioner ,Hisar Division.

It is informed to you that I,(Satyaveer Singh) is posted on the post of clerk, in the office of Deputy Commisssioner,Hisar. My seniority no.81 is shown in the seniority list which has been sent by the Commissioner, Hisar Division. In as much, my seniority no.was shown at sr no. 346 in the seniority list of the year 2000 sent by the Ld. Commissioner. According to this ,my name should have been shown before sr.no.23,but did not released in this seniority list.

Thus, my humble request to you that my name should be registered before sr. no.23 in seniority list of 2017 according to the seniority list of 2000 issued by the Ld. Divisional Commissioner.

It will be so kind of you.

Applicant

Received Sd.- Satyaveer Singh, clerk

13.5.2020 Office of the Deputy Commissioner

From Sh.Vinay Singh. IAS

Commissioner, Hisar Division

To

Deputy Commissioner ,Sirsa, Jind, Fatehababd

Deputy Commissioner, Hisar

no. 1-72 Seniority/EA-3/ 1548-51

**Dated, Hisar 23.4.2020**

Subject:- Re. to preparation of the seniority list on Divisional level for promotion in order to Assistant from the clerks/steno/typist .

Request on above subject, that a proposed seniority list has been prepared according to dated 28.2.2017 for the promotion, on the post of Assistant from the clerks/steno/typist ,working in the Division.

Thus, it is requested to you that please proposed seniority list be distributed in the clerks/steno/typist who are subordinate to you and be advised them that if any employee have any objection regarding proposed seniority list , he can sand his written representation wit in one month and send in this office after endorsed their comments . Otherwise, not receiving the reply within time frame ,it will presumed that there is no objection of any employee regarding this and proposed seniority list will be finalized .and distribution compliance report of the proposed seniority list be sent within one month.

Attached :-as above Deputy Supt.

No.1-71/PO/EA-3/ for Commissioner, Division Hisar

FINANCIAL COMMISSIONER,HARYANA

ORDER

Consequent upon the appointment of S/Shri Satyanarayan Kaushik,Om Parkash Saini,Suresh Kumar,Om Parkash,Rohit Kumar, **Prem Singh** and Pawan Kumar Clerks in the office of Deputy Commissioner, Fatehabad as Clerk on transfer basis in the scale of Rs.950-20-1150-EB-25-1500,they are relieved of their duties from the Financial Commissioner’s office ,Haryana w.e.f 1.10.1997 (A.M.) and directed to report for duty to D.C. Fatehabad.

2.No T.A. /D.A. will be admissible to them.

3.Their lien will not be retained in this office.

Chandigarh R.S. Gujral

**The 1.10.1997** Special Secretary to Govt. Haryana

Revenue Department.

Endt no.4844-Admn-1(v)-97 0523 Chandigarh, dated 1.10.1997

A copy is forwarded to D.C. Fatehabad for information and necessary w.r.t. his endst. No. 713-16/EA dt.25.9.1997 696-98BA dated 24.9.1997.717-20/Ea,729-32/Ea,725-28/Ea.709-12/EAand 721-24EaDt. 25.9.1997

Supt.(Admn.-1)

For Special Secretary to Govt. Haryana

ORDER

Sh. Satyaveer Singh, clerk office of the Deputy Commissioner ,Sirsa, has been completed all terms and conditions for appointment in this office , has been accommodated on vacant post on transfer basis, on following terms given below:-

1.That his appointment will be completely temporary on the transfer basis.

2.That he will be on probation for one year which can be extended if his working is not satisfactory.

3.That you should have passed the typing test in Hindi / English till than, you would not entitled for annual increment and other benefit.

**4.That you will not entitle for benefit of previous service in the matter of seniority i.e your seniority will be counted from the date of joining in this office.**

5.That you will be not entitled for any T.A./D.A

6.That this order will be effective till 15 days from the date of issue.

Deputy Commissioner, Fatehabad

**No.2091-93/EAdt .26.11.97**

One copy is forwarded for n/a given below:-

1.Commissioner,Hisar Division 2. D.C. Sirsa and their letter no.3-40/365Esst.dt.17.11.97 .3. Sh. Satyaveer Singh, clerk, office Deputy Commissioner, Sirsa.

**Sh .P.K.Dass, IAS Commissioner, Hisar Division**

**dt.15.9.2003**

Sh. Ashok Kumar Sharma clerk , office of the Deputy Commissioner, Hisar was transferred from this office vide endorsement no. 1-95/BA E/807-11 dated 8.8.2003 to the office of the Commissioner Hisar Division .Now his transfer has been cancelled and in his place, Mr. Shamsher Singh clerk, office of the Deputy Commissioner Hisar is transferred to the Commissioner ,Hisar Division with immediate effect. His lien would remain in his original office.

Office Commissioner, Hisar Division

Endorsement 1-95/BA1291-94

**Dated Hisar 16.9.2003**

One copy is forwarded for n/a

1.D.C.Hisar 2. Sh. Asok Kumar clerk ,office of the D.C.Hisar

3.Shamsher Singh clerk D.C. Hisar (M.A.Estt.) 4.Salary clerk

Supt.

For Commissioner, Hisar Division

ORDER

Sh. Shamsher Singh, Clerk office of the Commissioner ,Hisar Division is hereby transferred to the office of the D.C. Hisar ,against Sh. Ashok Kumar Sharma, clerk with immediate effect. His lien would remain in his original office of D.C.Hisar.

Commissioner, Hisar Division

Office of the Commissioner .Hisar Division

End.No.1-95/BA-1E/659-62 **dated 18.1.2006**

Supt.

For Commissioner ,Hisar Division

**Order dated 23.8.2006 passed by Sh. R.R.Fuliya,IAS**

**Commissioner, Hisar Division**

Sh. Abhimanyu clerk of this office is hereby transferred to Deputy Commissioner’s office Fatehabad against Sh. Baljeet Singh ,clerk with immediate effect .

2.No TA/DA and joining time will be entitled to Sh. Abhimanyu clerk on account of this transfer.

OFFICE OF THE COMMISSIONER ,HISAR DIVISION,HISAR

Endst. No. 1-95/BA—1 11520-22 **dated 24.8.2006**

Supt.

For Commissioner, Hisar Division

ORDER

Given below employees have been transferred in the public interest with immediate effect :

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Sr.n0. | Employee name | Present posted | Place of posting | Remarks |  |
| 1. | Om Parkash, Deputy Supt. | Office of D.C. Jind | Office of SDO(c) Siwani | Against Sh. Madan Singh Dy.Supt. |  |
| 2. | Sh. Madan Singh Dy.Supt. | Office of SDO(c) Siwani | Office of D.C. Jind | Against Om Parkash Mahla |  |
| 3 | Pardeep Singh | Office of D.C. Jind | Office of the Hisar | On vacant post |  |
| 4 | Nafe Singh | Office of the Fatehabad | Office of D.C. Jind | Against Pardeep Kumar |  |
| 5 | Hanuman Singh | Office of D.C. Sirsa | Office of the D.C Fatehabad | On vacant post |  |

SH. Hanuman , clerk is transferred on his request .So he is not entitled for TA/DA and joining time

**19.3.2007**  Sd-

**Commissioner, Hisar Division**

End. No. EA-3/2007/4503-15 dated 19.3.2007

Supt.

Commissioner, Hisar Division

Affidavit

I, Satyaveer Singh clerk, posted in the office of the Deputy Commissioner, Fatehabad. I solemnly affirm as under :-

1. That I transferred from the office of the Deputy Commissioner Fatehabad to the office of the Deputy Commissioner ,Hisar.
2. That due to this transfer ,I will not any claim of TA/DA
3. **That after this transfer, I will not claim the benefit of seniority.**

Sd.- Deponent

Verified that above stated statement is true according to my knowledge .

Dated Sd.\_ Deponent

Place :Fatehabad

Attested

Executive Magistrate, Fatehabad

12.12.2003

From

Commissioner, Hisar Division

Hisar

To

Sh. Suresh Ahlawat, Advocate

House No.413 Sector-11,Panchkula

Memo No. 1-72/seniority/2020/EA-3/Legal Notice/185

**Dated 12.1.2021**

**Subject**:- Re: Request for correction in the final seniority list (Nov.,2020) in respect of Clerks/Steno/Typists (Hisar Division) for promotion to the post of Assistant in accordance Rules (August-2000).

In the matter of your legal notice dated 27.11.2020, received in this office on 7.12.2020.

2. That it is inform to you that Prem Singh Clerk, joined in the office of the Deputy Commissioner, Fatehabad on 3.10.1997 and in compliance of the order no.1616-AR-52013/7276,dated 28.6.2013 issued by the Ld. Financial Commissioner-cum- Additional Chief Secretary Haryana, Department of Revenue and Disaster , and vide this office letter no 1-3A/Ea/6458-63,Dated 29.7.2013 (attached**) transfer of Sh. Prem Singh from the office of the Deputy Commissioner, Fatehabad to the office of the Deputy Commissioner, Hisar has been done, on one condition that he will not claim seniority over the new place of clerk cadre and will be junior.**

3. That in this way, in compliance of the order no.1630-AR—5-03/14351 ,dated 3.10.2003 issued by the Ld. Financial Commissioner-cum- Additional Chief Secretary Haryana, Department of Revenue and Disaster , office of the Deputy Commissioner, Hisar vide office letter no 2285-88/EA dated 11.12.2003 (attached) **transfer of Sh. Satyaveer Singh, clerk from the office of the Deputy Commissioner, Fatehabad to the office of the Deputy Commissioner, Hisar has been done, on this condition that employee would forgo his seniority of previous service i.e seniority will be given from the date of joining in this office , in this regard affidavit has been filed by Mr. Satyaveer Singh. Clerk. (attached ) .**

**4**. That tentative seniority list of the clerks/steno/typists has been released on Division level (Hisar) by this office, vide letter no. 1-72/seniority/EA-3/1548, dated 23.4.2020, on this, objections were filled by the both employees and personal hearing was also granted to both employees ,after that their objections were filed .

**5**. That now the employees served the legal notice through you .In view of the above stated circumstances there is no force in their demand ,they have left the seniority, this condition mentioned in their transfer orders.

**6**. So, you are requested that served legal notice may be withdrawn.

**Sd**.\_

**Supt**.

**For ,Commissioner, Hisar Division**

**Order dated 26.7.2013**

**Smt. Neelam P. Kasni, IAS.Commissioner, Hisar Division**

In compliance of letter no. 1636-AR-5-2013/7226 dated 28.6.2013 of the Addl. Chief Secretary- cum- Financial Commissioner, Haryana Govt. Department of Revenue, Sh. Ashok Kumar, clerk and **Prem Singh, Clerk** office of theDeputy Commissioner, Fatehabad have been transferred to the office of the Deputy Commissioner, Sirsa and Hisar respectively against vacancies with immediately effect.

**Office of the Commissioner, Hisar Division, Hisar**

End.No. 3A/EA/6458-**63 dated Hisar 29.7.2013**

One copy is forwarded for n/a given below:-

1. In compliance of letter no. 1636-AR-5-2013/7226 dated 28.6.2013 of the Addl. Chief Secretary- cum- Financial Commissioner, Haryana Govt. Department of Revenue.
2. D.C. office Fatehabad letter no. 2300/Est. dated 19.7.2013
3. **Deputy Commissioner ,Sirsa and Hisar .It is requested to you that at the time of their joining, they will file an affidavit that they will not claim seniority over the new place of clerk cadre and will be juniors.**
4. Sh. Ashok Kumar and Prem Singh, clerk office of the Deputy Commissioner, Fatehabad.

Supt.

For Commissioner, Hisar Division

ORDR

Mr. Satyaveer Sngh, clerk office of the Deputy Commissioner Fatehabad has been adjusted in the office of the Deputy Commissioner, Hisar in the pay scale of clerk 3050-75-3950-EB-4590,in the compliance of the letter no.1630-A.R.5./03/14351 dated 3.10.2003 issued vide order by the Ld. Financial Commissioner-cum- Principal Secretary, Govt. of Haryana department of Revenue , on conditions basis which is given below:-

1.That employees would not ad-hoc basis.

**2. That seniority of the employee will be counted from the date of joining in this office and previous seniority of his service will not be counted.**

**3. That in this regard, he will fill an affidavit that his seniority of previous service will not count in this office.**

4.That all the conditions imposed under the order of his first appointment.

5.That he will pass the type test in Hind and English within six months after the joining in this office .

**Deputy Commissioner, Hisar**

**No. 2285-88 /EA Dated 11.12.2003**

One of this is forwarded for n/a

1. Finance Commissioner, Haryana Govt. regarding its order no. 1630-A-R 5/83/14351 dated 1.10.2003.
2. Deputy Commissioner .Fatehabad is directed that before reliving to Sataveer Singh Clerk, to take the an affidavit on the basis of terms imposed and service record/ service book /conduct of the employee also be sent to this office.
3. Sh,. Satyavee Singh ,Clerk office of the Deputy Commissioner,Fatehabad.

In the High Court of Punjab and Haryana at Chandigarh.

Civil Writ Petition No.\_\_\_\_\_\_\_\_\_of 2021

Satyaveer Singh and another …………. Petitioners

Versus

State of Haryana and Others ---------------Respondents

**Chandigarh (SURESH AHLAWAT)**

**Dated:25.1.2021 ADVOCATE**

**Counsel for the Petitioners**

In the High Court of Punjab and Haryana at Chandigarh.

Civil Writ Petition No.\_\_\_\_\_\_\_\_\_of 2021

**MEMO OF PARTIES**

1. Satyaveer Singh (aged about 52 years) son of Sh. Nihal Singh resident of Village Satror-Khurd Tehsil and Distt. Hisar presently working as Clerk in the Office of the Deputy Commissioner, Hisar.

2. Prem Singh (aged about 48 years) son of Sh. Banwari Lal resident of Village Ludas Tehsil & Distt. Hisar presently working as Clerk in the Office of the Deputy Commissioner, Hisar.

**-------------------Petitioners**

**Versus**

1. State of Haryana through its Financial Commissioner, Department of Revenue, Haryana Civil Secretariat, Sector -17, Chandigarh.
2. Commissioner, Hisar Division , Hisar.
3. Deputy Commissioner, Hisar.
4. Deputy Commissioner, Fatehabad.
5. Deputy Commissioner, Jind
6. Deputy Commissioner, Sirsa
7. Baljit Singh, Assistant, office of the Commissioner, Hisar Division,
8. Dinesh Kumar, Assistant, o/o Commissioner, Hisar Division, Hisar
9. Shamsher Singh Assistant o/o the Commissioner, Hisar Division, Hisa
10. Abhimanyu, Assistant o/o the Commissioner, Hisar Division, Hisar
11. Ram Kishan , Assistant O/o Deputy Commissioner, Fatehabad.
12. Satvir Singh Sihag Assistant O/o Deputy Commissioner, Fatehabad.
13. Neelam Nokhwal, Assistant O/o Deputy Commissioner, Fatehabad.
14. Ramesh Kumari, Asst. O/o Deputy Commissioner, Fatehabad.
15. Sanjeev Kumar Nehra Asst. O/o Deputy Commissioner, Jind.
16. Chain Singh Assistant O/o Deputy Commissioner, Jind
17. Saroj Bala ,Asst. O/o Deputy Commissioner, Jind.
18. Suresh Kumar Berwal,Asst. O/o Deputy Commissioner, Hisar
19. Yashpal Assistant O/o Deputy Commissioner, Hisar.
20. **Nar Singh, Clerk O/o Deputy Commissioner, Fatehabad.**
21. Satbir Singh, clerk O/o Deputy Commissioner, Jind
22. Ram Niwas, clerk O/o Deputy Commissioner, Jind
23. Krishan Lal, clerk O/o Deputy Commissioner, Sirsa
24. Bimla Devi, clerk O/o Deputy Commissioner, Sirsa
25. Rohit Kumar, clerk O/o Deputy Commissioner, Hisar
26. Baljeet Singh, clerk O/o Deputy Commissioner, Sirsa
27. Rajender Singh, clerk O/o Deputy Commissioner, Fatehabad
28. Om Parkash Sihag, clerk O/o Deputy Commissioner, Fatehabad
29. Ranjan Bajaj, clerk O/o Deputy Commissioner, Fatehabad
30. Sanjeev Kumar Saini, clerk O/o Deputy Commissioner, Jind
31. Naresh Kumar, clerk O/o Deputy Commissioner, Fatehabad
32. Suresh Kumar, clerk O/o Deputy Commissioner, Jind
33. Rajender Parsad, clerk o/o the Commissioner, Hisar Division, Hisar
34. Subhash Chand, clerk O/o Deputy Commissioner, Jind
35. Genesh Dass, clerk O/o Deputy Commissioner, Fatehabad
36. Laxmi Devi clerk, O/o Deputy Commissioner, Fatehabad
37. Udey Veer Singh, clerk O/o Deputy Commissioner, Fatehabad
38. Chander Parkash, clerk O/o Deputy Commissioner, Jind
39. Satish Kumar, clerk O/o Deputy Commissioner, Hisar
40. Sunil Tanwar, clerk O/o Deputy Commissioner, Hisar
41. Vinod Kumar, clerk O/o Deputy Commissioner, Sirsa
42. Gajraj Singh, clerk O/o Deputy Commissioner, Jind
43. Sudesh Kumari, clerk O/o Deputy Commissioner,Jind
44. Rameshwar Dass ,clerk O/o Deputy Commissioner, Sirsa
45. Anita Rani, clerk O/o Deputy Commissioner, Sirsa
46. Rakesh Kumar, clerk O/o Deputy Commissioner, Sirsa
47. Rajesh Khatak, clerk O/o Deputy Commissioner, Fatehabad
48. Satbir Singh, clerk O/o Deputy Commissioner, Jind
49. Raj Kumar, clerk O/o Deputy Commissioner, Jind
50. Durga Devi, clerk O/o Deputy Commissioner, Hisar
51. Ran Singh –II clerk, O/o Deputy Commissioner, Sirsa
52. Rajesh Jangra, Steno O/o Deputy Commissioner, Fatehabad
53. Ankush Kuamr, clerk O/o Deputy Commissioner, Fatehabad
54. Vipin Kumar, clerk O/o Deputy Commissioner, Sirsa
55. Raj Rani, clerk O/o Deputy Commissioner, Fatehabad
56. Rakesh Kumar,clerk O/o Commissioner Hisar Division, Hisar
57. Hari Singh, clerk O/o Deputy Commissioner, Fatehabad
58. Anil Kumar-II clerk O/o Deputy Commissioner, Jind
59. Rohtash Kumar,clerk O/o Commissioner Hisar Division, Hisar
60. Rajesh Balra, clerk O/o Deputy Commissioner, Fatehabad
61. Amit Dalal, clerk O/o Deputy Commissioner, Jind
62. Narender Singh, clerk O/o Deputy Commissioner, Jind
63. Wazir Singh, clerk O/o Deputy Commissioner, Jind
64. Hari Singh (Steno Typist) , O/o Deputy Commissioner, Hisar
65. Kamal (Steno Typist) , O/o Deputy Commissioner, Hisar
66. Omda Singh, clerk O/o Deputy Commissioner, Hisar
67. Anshi Lal, clerk O/o Deputy Commissioner, Sirsa
68. Vijay Singh, clerk O/o Deputy Commissioner, Hisar
69. Pawan Kumar Sharma, clerk O/o Deputy Commissioner, Sirsa
70. Het Ram, clerk O/o Deputy Commissioner, Sirsa
71. Mahender Jakhar (Steno Typist) , O/o Deputy Commissioner, Sirsa
72. Gulab Singh (Steno Typist) , O/o Deputy Commissioner, Sirsa
73. Suman Kumari (Steno Typist) , O/o Deputy Commissioner, Sirsa
74. Dal Singh, clerk O/o Deputy Commissioner, Jind
75. Jitender , clerk O/o Deputy Commissioner, Hisar
76. Sunil Kumar, clerk O/o Deputy Commissioner, Hisar
77. Satbir Singh (Steno Typist) , clerk O/o Deputy Commissioner, Jind
78. Amar lal, clerk O/o Deputy Commissioner, Hisar
79. Pardeep , clerk O/o Deputy Commissioner, Hisar
80. Narender , clerk O/o Deputy Commissioner, Hisar
81. Santosh Kumari (Steno Typist) , O/o Deputy Commissioner, Hisar
82. Parveen Kumar, clerk O/o Deputy Commissioner, Jind
83. Jyoti, clerk O/o Deputy Commissioner, Jind
84. Gajender clerk O/o Commissioner Hisar Division, Hisar
85. Pawan, clerk O/o Deputy Commissioner, Hisar
86. Deepak Malik , clerk O/o Deputy Commissioner, Hisar
87. Satish (Steno Typist) O/o Deputy Commissioner, Jind
88. Suresh Kumar, clerk O/o Deputy Commissioner, Fatehabad
89. Kuldeep, clerk O/o Deputy Commissioner, Hisar
90. Manju, clerk O/o Deputy Commissioner, Hisar
91. Pawan Kansala, clerk O/o Deputy Commissioner, Hisar
92. Avdhesh Kumar, clerk O/o Deputy Commissioner, Fatehabad
93. Sachin Kumar, clerk O/o Deputy Commissioner, Fatehabad
94. Gulshan Kumar, clerk O/o Deputy Commissioner, Fatehabad
95. Hans Raj, clerk O/o Deputy Commissioner, Fatehabad
96. Subhash Saini, clerk O/o Deputy Commissioner, Sirsa
97. Sandeep Kumar, clerk O/o Deputy Commissioner, Fatehabad
98. Raj Singh, clerk O/o Deputy Commissioner, Sirsa

97.Jaswant Rai, clerk O/o Deputy Commissioner, Fatehabad

98.Balbir Singh, clerk O/o Deputy Commissioner, Hisar

99. Parmod Kumar, clerk O/o Deputy Commissioner, Sirsa

100. Satish Soni, clerk O/o Deputy Commissioner, Hisar

101. Devender Kumar steno ,O/o Deputy Commissioner, Hisar

102.Pushpa, clerk O/o Deputy Commissioner, Hisar

103.Poonam, clerk O/o Deputy Commissioner, Jind

104.Pawan Kumar, clerk O/o Deputy Commissioner, Jind

105.Suresh Kumar, clerk O/o Deputy Commissioner, Fatehabad

106.Anil Dutt, clerk O/o Deputy Commissioner, Jind

107.Chetan, clerk O/o Deputy Commissioner, Jind

108.Paramjeet Singh, clerk O/o Deputy Commissioner, Sirsa

109.Harinder Pal Singh, clerk O/o Deputy Commissioner, Sirsa

110.Dharmender , clerk O/o Deputy Commissioner, Jind

111.Smt. Seema Rani ,Steno Typist O/o Deputy Commissioner, Hisar

112.Suresh Kumar,Steno Typist O/o Deputy Commissioner, Sirsa

----------Respondents

1. Baljit Singh, Assistant, office of the Commissioner, Hisar Division, Hisar (sr.no. 21)
2. Ram Kishan , Assistant O/o Deputy Commissioner, Fatehabad.

(sr.no. 24)

1. Sanjeev Kumar Nehra Asst. O/o Deputy Commissioner, Jind.

(sr.no. 26)

1. Suresh Kumar Berwal,Asst. O/o Deputy Commissioner, Hisar.

(sr.no. 27)

1. Dinesh Kumar, Assistant, o/o Commissioner, Hisar Division, Hisar

(sr.no. 28)

1. Chain Singh Assistant O/o Deputy Commissioner, Jind.

(sr.no. 31)

1. Satvir Singh Sihag Assistant O/o Deputy Commissioner, Fatehabad.

(sr.no. 33)

1. Yashpal Assistant O/o Deputy Commissioner, Hisar.

(sr.no. 34)

1. Neelam Nokhwal, Assistant O/o Deputy Commissioner, Fatehabad.

(sr.no. 35)

1. Shamsher Singh o/o the Commissioner, Hisar Division, Hisar

(sr.no. 36)

1. Abhimanyu, Assistant o/o the Commissioner, Hisar Division, Hisar (sr.no. 37)
2. Saroj Bala ,Asst. O/o Deputy Commissioner, Jind.

( Sr.No.46)

1. Ramesh Kumari, Asst. O/o Deputy Commissioner, Fatehabad.

(sr.no.55)

In the High Court of Punjab and Haryana at Chandigarh.

Civil Writ Petition No.\_\_\_\_\_\_\_\_\_of 2021

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1. Satyaveer Singh (aged about 52 years) son of Sh. Nihal Singh resident of Village Satror-Khurd Tehsil and Distt. Hisar presently working as Clerk in the Office of the Deputy Commissioner, Hisar.

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**VERSUS**

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19. Ramesh Kumari, Asst. O/o Deputy Commissioner, Fatehabad.

1. Nar Singh, Clerk O/o Deputy Commissioner, Fatehabad.
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10. Ranjan Bajaj, clerk O/o Deputy Commissioner, Fatehabad
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