

No. 42/4/93- 5 SII
GOVERNMENT OF HARYANA
CHIEF SECRETARY'S OFFICE
PERSONNEL DEPARTMENT

ORDER

Whereas, the inter-se-seniority of Extra Assistant Commissioners borne on the Haryana Civil Services (Executive Branch) cadre was fixed vide order dated 12.12.2006.

2. And whereas, in compliance of order dated 09.02.2010 of the Hon'ble Supreme Court of India in I.A. No. 4 in Civil appeal No. 7422 of 1999- Sandeep Singh versus State of Haryana and another, the seniority of S/Shri Virender Kumar Dahiya, Sandeep Singh, Mahavir Singh, Jagdish Sharma, Laiit Kumar and Virender Singh Lather was re-fixed as per merit list and these officers were assigned seniority at serial number 98, 99, 101, 102, 103 and 104 respectively vide order dated 16.4.2010.

3. And whereas, the seniority of Shri Ashok Kumar Bishnoi and Shri Narender Singh fixed vide order dated 12.12.2006 was challenged by Sh. Wazeer Singh Goyat and others by way CWP No. 3549 of 2007 in the Hon'ble Punjab and Haryana High Court and writ petition was allowed vide order dated 3.8.2010 of Hon'ble High Court of Punjab and Haryana with the directions to re-determine the seniority of the petitioners qua respondents No. 3 and 4 in accordance with amended Rule 20 of the Punjab Civil Service (Executive Branch) Rules, 1930. Accordingly, Shri Ashok Kumar Bishnoi and Shri Narender Singh were placed below Smt. Indra Goyal (serial number 45) in the same order and above Sh. J.D. Arora (serial number 46) in the seniority list of the Haryana Civil Service (Executive Branch) officers issued by the Government vide order dated 12.12.2006 vide order dated 30.06.2011.

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4. And whereas, Smt. Monika Malik, HCS and others filed the CWP No. 22211 of 2011 in the Hon'ble Punjab and Haryana High Court, Chandighr and challenged the seniority of S/Shri Virender Singh Hooda, Ajay Malik, Amarjit Singh Mann, Arvind Malhan, Dinesh Singh Yadav, Sujan Singh, Ashok Kumar Garg, Pushpender Singh and

Pardeep Godara. The petitioners have also prayed to direct State of Haryana through its Chief Secretary, Haryana to reframe the entire seniority/gradation list of Haryana Civil Services (Executive Branch) on the same basis as has been done vide order dated 30.06.2011. Shri Kulwant Kumar Kalsan, HCS officer also filed CWP No. 21564 of 2012 in the Hon'ble Punjab and Haryana High Court, Chandigarh with the prayer to quash the order dated 12.12.2006 (Annexure P-16) passed by respondent no. 1 Chief Secretary, Haryana whereby respondent Nos. 2 to 10 (S/Shri Virender Singh Hooda, Ajay Malik, Amarjit Singh Mann, Arvind Malhan, Dinesh Singh Yadav, Sujan Singh, Ashok Kumar Garg, Pushpender Singh and Pardeep Godara) were put over and above the petitioner and further to quash the order dated 16.4.2010 (Annexure P-24) whereby respondent Nos. 11 and 12 (Shri Virender Kumar Dahiya and Shri Sandeep Singh) were put over and above the petitioner in violation of Rule 20 of the Punjab Civil Services (Executive Branch) Rules, 1930. Shri Jai Krishan Abhir, HCS and others also filed the CWP No. 7791 of 2012 in the Hon'ble Punjab and Haryana, Chandigarh with the prayer to quash the seniority list (Annexure P-18) dated 16.4.2010 vide which the respondent No. 3 to 8 (S/Shri Virender Kumar Dahiya, Sandeep Singh, Mahavir Singh, Jagdish Sharma, Lalit Kumar and Virender Singh Lather) were made senior to the petitioners is against the directions of the Hon'ble Supreme Court in Sandeep Singh versus State of Haryana and another, Civil appeal No. 7422 of 1999 decided on 9.11.2000. Further, Shri Virender Singh Hooda and Shri Ajay Malik also filed CWP No. 20080 of 2012 with a prayer for setting aside orders dated 13.12.2006 (Annexure P-7) whereby the seniority of the petitioners as HCS Officers was downgraded from the already granted seniority which was in compliance with the direction issued by Hon'ble Supreme Court in the case of Virender Singh Hooda and others, 1999 (3) 696 decided on 13.03.1999.

5. And whereas, Hon'ble Punjab and Haryana High Court on 01.04.2015 dismissed the CWP No. 20080 of 2012 filed by Shri Virender Singh Hooda and Ajay Malik and allowed the CWP No. 21564 of 2012, CWP No. 22211 of 2011 and 7791 of 2012. The Hon'ble High Court issued a writ of certiorari quashing partially the impugned final seniority list dated December 12, 2006 qua the parties to the present petitions and

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impugned order dated April 16, 2010. A Writ of mandamus has been issued to the State Government/official respondent to re-draw the seniority list of HCS (EB) officers as are parties to the present cases, in terms of the judgment by keeping in view amended rule 20 of the PCS (EB) Rules, 1930 as applicable to Haryana; before they were repealed and replaced in the year 2008 by the existant new rules; with seniority assigned from the respective dates of actual appointments to service as they occurred, i.e. when each of them came to be borne for the first time on the HCS cadre as member of the service. The relevant portion of the said judgment/order dated 1.4.2015 passed in the above writ petition is re-produced as under: -

"261. For the manifold reasons recorded above on the wide range of contentions raised before this court on all sides and after giving thoughtful consideration to those, in the four cases, this Court issues a writ of certiorari quashing partially the impugned final seniority list dated December 12, 2006(P-16) qua the parties to the present petitions and the impugned order dated April 16, 2010 (P-24) also falls as they both are not based on rule of seniority determined from date of appointment by applying amended rule 20. Consequently, CWP No. 21564 of 2012 is allowed. CWP No. 22211 of 2011 is also allowed. Messers Ashok Kumar Bishnoi and Narender Singh and respondents No. 2 to 10 are directed to be treated alike so far as their seniority is concerned on the principles already declared by Permod Kohli, J. in the Judgment dated August 03, 2010 on the construction of amended rule 20 in Part-1 of the judgment; Part-2 of the same judgment in CWP No. 3549 of 2007 and three connected petitions decided on August 3, 2010 and, therefore, that part in appeals, in which present Group B and Group C officers were not party to or involved in the litigation, also pass sub silentio for want of considering the impact and effect of the provisions of the Act, 2002 and the decision of the Supreme Court in Hooda-2 with respect to Hooda-1 and the vires of the Act without which material a complete ruling may not have been possible of being rendered in the scheme of the rules. CWP No. 7791 of 2012 is allowed and the seniority list dated April 16, 2010 vis-a-vis the five petitioners and the private respondents therein is set aside. Sandeep Singh etc would take their seniority only from dates of appointment as per the directions in their own case i.e. Sandeep Singh case (supra). CWP No. 20080 of 2012 is dismissed on the principles and reasoning recorded above. Therefore, appointments will relate back notionally by Hooda-1 since they are not to be disturbed even with a lever long enough, but this is not true of the right to inter se seniority in the cadre of the HCS

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which rests on the cornerstone of the edifice constructed on the foundations of rule 20 as amended on October 01, 1992 and the PCS (EB) Rules, 1930 read organically as a whole and for it to be counted from the dates of actual appointments as they came to HCS (EB); including by court orders in the special and peculiar facts and circumstances of the case which are unmatched in any past precedent so far as the moot proposition is concerned, save and limited to seniority, which proposition is therefore *res integra*, untouched by dictum and binding decision. Resultantly, the impugned order dated December 13, 2006 in Case 3 above, i.e. CWP No. 20080 of 2012 is left to stand.

262. A writ of mandamus is, therefore, issued to the State Government/official respondents is re-draw the seniority list of HCS (EB) officers as are parties to the present cases, in terms of this judgment by keeping in view amended rule 20 of the Punjab Civil Service (Executive Branch) Rules, 1930 as applicable to Haryana, (before they were repealed and replaced in the year 2008 by new rules) with seniority assigned from the respective dates of actual appointments to service as they occurred, that is, when each of them came to be borne for the first time on the HCS cadre as members of the service."

6. And whereas, the provision contained in Rule 20 of the Punjab Civil Service (Executive Branch) Rules, 1930 which existed prior to 13-2-2008 read as under:-

"20. Seniority of member of Service.- (1) The seniority of members appointed to the Service shall be determined from the date of their appointment;

Provided that the order of merit determined by the Public Service Commission or the Selection Committee, as the case may be, in respect of persons appointed from registers prescribed in rule 6 or through special recruitment under the proviso to rule 5 shall not be disturbed.

Provided further that in the case where more than one member is appointed to the Service from more than one Register of the Accepted Candidates, including appointments made through special recruitment under the proviso to rule 5, on the same date, the seniority of the members shall be determined in the following order:-

- (1) from Register B
- (2) from Register A-1
- (3) from Register C
- (4) from Register A-11
- (5) Appointments made through special recruitment under the proviso to rule 5.

(2) If the name of a candidate is removed from the register of accepted candidates or the list of special recruits or the order of appointment is cancelled

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under the provision of rule 19, and such candidate is subsequently appointed to the Service, his seniority shall be determined from the date of such subsequent appointment."

7. And whereas, in compliance of the above order dated 01.04.2015 of Hon'ble High Court of Punjab and Haryana, Chandigarh passed in CWP No. 21564 of 2012- Kulwant Kumar Kalsan versus State of Haryana & others and all connected matters and writs, the seniority of HCS (Executive Branch) officers is re-fixed as under:-

Sr. No.	S/Sh./Smt.
1	Rajinder Kumar Chaudhary (retired)
2	Deveshwar Dayal (removed from service)
3	Wazeer Singh Goyat (now IAS)
4	Vikas Yadav (now IAS)
5	Narinder Kumar Singla (retired)
6	Gurdev Singh (retired)
7	Balraj Singh (now IAS)
8	Ashok Sangwan (now, IAS)
9	Vinay Singh (now, IAS)
10	Chander Shekhar (now IAS)
11	Om Parkash Lohan (retired)
12	Dharam Paul (retired).
13	Renu S.Phulia (now, IAS)
14	K.Kuttappan (Retired)
15	Balambikai Sundaram (Retired)
16	Kamlesh Prabhakar(retired)
17	Sanjay Joon (now, IAS)
18	Rattan Singh Chahal (retired)
19	Vinod Anand (retired)
20	Vivek Atary (now IAS)
21	Sanjeev Verma (now IAS)
22	Jagdeep Singh (now, IAS)
23	Anita Yadav (now, IAS)

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24	Hardeep Singh
25	Ramesh Chander Bidhan
26	Shamsher Singh Dalal (retired)
27	Mahender Singh Yadav (expired)
28	Sumedha Kataria
29	Bhupinder Singh
30	Sunita Verma
31	Sultan Singh Goswal
32	Geeta Bharti
33	Pankaj Chaudhary
34	Indra Goel(Retired)
35	Ashok Kumar Bishnoi (retired)
36	Narinder Singh (retired)
37	J.D.Arora(Retired)
38	Surinder Kumar Sharma (retired)
39	R.K.Malik (retired)
40	Bhola Ram (retired)
41	Vidya Dhar (retired)
42	S.P.Arora
43	Prithvi Singh Bishnoi (retired)
44	Subh Ram Vashisht (retired)
45	Dharam Pal Singh Yadav (retired)
46	Baldev Raj Beri (retired)
47	J.P.Thaman (retired)
48	Inder Pal Bishnoi (retired)
49	Roop Singh (retired)
50	Mohinder Singh Sangwan (reverted)
51	Arun Sharma (retired)
52	Jaswant Rai Chechi(retired)
53	Anant Ram Goel (retired)
54	Yogesh Chand Bhardwaj (retired)
55	Dharam Pal Singh (retired)
56	Hari Om Siwatch (reverted)
57	Saroj Lohchab (reverted)

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58	Suraj Bhan-I (retired)
59	S.B.Lohia (retired)
60	Suraj Bhan-II(retired)
61	Ram Nath (retired)
62	Bhal Singh Bishnoi
63	Anil Sharma (retired)
64	Mahabir Singh Yadav (retired)
65	Pawan Kumar Sharma (retired)
66	Harish Chander Jain (retired)
67	Tejinder Punia (reverted)
68	Dalip Singh (retired)
69	Ram Sarup Verma
70	Vijay Singh (Retired)
71	Ashwani Kumar (retired)
72	Ramesh Kumar Chauhan (retired)
73	Inder Singh-I(retired)
74	Raj Kumar Garg (retired)
75	Dalbir Singh (expired)
76	Roshan Lal (retired)
77	Shiv Dayal Thareja(retired)
78	Bhoop Singh Bishnoi(retired)
79	Satbir Singh Saini
80	Dharamvir Singh Dhankar (expired)
81	Vivek Padam Singh
82	Monica Malik
83	Jaibir Singh Arya
84	Surinder Kumar Setia
85	Maheshwar Sharma
86	Shiv Prashad
87	Girish Arora
88	Mukesh Kumar Ahuja
89	Kulwant Kumar Kalson
90	Gurdev Singh (expired)
91	Rajesh Jogpal

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92	Aurbind Sharma
93	Jai Singh Sangwan (retired)
94	Inder Singh-II (retired)
95	S.K.Katyal (retired)
96	P.D.Verma (retired)
97	Raj Kumar Rohilla (retired)
98	Gyarsi Lal Yadav (retired)
99	Jitender Kumar-I
100	Hema Sharma
101	Mukul Kumar
102	Naresh Kumar
103	Rakesh Kumar Yadav (expired)
104	Anju Chaudhary
105	Mahavir Kaushik
106	Yash Pal
107	Yashendra Singh
108	Narhari Singh Banger
109	Rajiv Mehta
110	Pardeep Kumar-I
111	Dharmender Singh
112	Ritu
113	Jai Kishan Abhir
114	Dharamvir Singh
115	Jeet Singh (dismissed)
116	Ram Kumar Singh
117	Sushil Sarwan
118	Manoj Kumar
119	Shakti Singh
120	Raj Pal Singh (retired)
121	Jagtar Singh (retired)
122	Ishwar Singh Dahiya (retired)
123	Krishan Kumar Gupta (retired)
124	H.C.Bhatia (retired)
125	Gurmeet Singh

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126	K.S.Gill
127	Virender Singh Hooda
128	Amarjit Singh Mann
129	Dinesh Singh Yadav
130	Mandeep Kaur
131	Pratima Chaudhary
132	Virender Kumar Dahiya
133	Sandeep Singh
134	Lalit Kumar
135	Virender Lather
136	Sujan Singh
137	Pushpinder Singh
138	Pradeep Godara
139	Sat Pal
140	Veena Hooda
141	Surender Singh
142	Jagdeep Dhanda
143	Sarita Malik
144	Kamlesh Kumar Bhadoo
145	Munish Nagpal
146	Kuldhir Singh
147	Vatsal Vashisht
148	Jag Niwas
149	Ranjit Kaur
150	Mahabir Prasad
151	Mahender Pal
152	Mukesh Kumar
153	Devinder Kaushik
154	Nar Singh Dhull (retired)
155	Hawa Singh
156	Balwan Singh Bhakhar (retired)
157	Satpal Sharma
158	Tilak Raj
159	Surjit Singh

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160	Ram Kumar Beniwal (retired)
161	Prem Chand Gangle
162	Satbir Singh Jangu
163	Narinder Singh Yadav (retired)
164	Ashwani Maingi
165	Amar Deep Singh
166	Satbir Singh Kundu
167	Ashwani Kumar
168	Sanjay Rai
169	Bir Singh Kaliramana
170	Satbir Singh Lohchab
171	Subhash Sheoran
172	Om Parkash Sharma
173	Sushil Kumar-I
174	Amardeep Jain
175	Om Parkash
176	Rajiv Ahlawat
177	Vikram Singh Malik
178	Suresh Kumar
179	Partap Singh
180	Bir Singh
181	D.R.Kairon
182	Umed Singh Mohan
183	Parvesh Kumar
184	Ashok Kumar Bansal
185	Ashok Kumar Garg
186	Varsha Khangwal
187	Virender Singh Sehrawat
188	Ashima Sangwan
189	Satyender Duhan
190	Manita Malik
191	Satbir Singh
192	Amrita Singh
193	Yogesh Kumar

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194	Vandana Disodia
195	Subhita
196	Jaideep Kumar
197	Samwartak S.Khangwal
198	Satyawan
199	Anurag Dhalia
200	Ramesh Kumar Kajal (expired)
201	Balraj Jakhar
202	Manjeet Singh
203	Subhash Chander Gaba (retired)
204	Mange Ram Dhull (retired)
205	Satish Kumar (expired)
206	Sant Lal Pachar
207	Hoshiar Singh Siwatch (retired)
208	Subhash Chander Sihag
209	Satish Kumar Jain
210	Yogesh Kumar Mehta
211	Baljit Singh (retired)
212	Sarwan Kumar (reverted)
213	Virender Singh
214	Devi Lal Sihag
215	Suresh Kumar Chahal
216	Prithvi-Singh
217	Naveen Kumar Ahuja
218	Ajay Malik
219	Arvind Malhan
220	Mahavir Singh
221	Jagdish Sharma

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Further, as directed by the Hon'ble Punjab and Haryana High Court, the appointment of S/Shri Virender Singh Hooda, Amarjit Singh Mann, Dinesh Singh Yadav, Sujan Singh, Pushpinder Singh, Pradeep Godara, Ashok Kumar Garg, Ajay Malik and

Shri Arvind Malhan will relate back notionally except for the purpose of inter-se seniority.

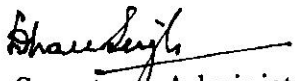
Dated, Chandigarh,
the 7th May, 2015


(D.S. Dhesi)
Chief Secretary to Government, Haryana.

No. 42/4/93- 5 SII

Dated, Chandigarh, the 7th May, 2015.

A copy is forwarded to the officers mentioned above as per list attached.

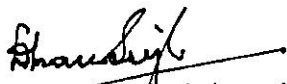

Deputy Secretary, Administration,
for Chief Secretary to Government, Haryana.

No. 42/4/93- 5 SII

Dated, Chandigarh, the 7th May, 2015.

A copy is forwarded to the following for information:-

1. Commissioner, Ambala/Hisar/Rohtak/ Gurgaon divisions.
2. All the Deputy Commissioners, Haryana.


Deputy Secretary, Administration,
for Chief Secretary to Government, Haryana