

No. HB (S)/EA-I/2019/1622

Dated 21.06.2019

ORDER

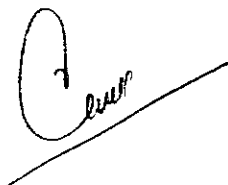
With reference to letter dated 20.06.2019 of Shri Varinder Kumar, Clerks, it is informed that the final seniority list of Clerks circulated on 17.06.2019 was finalized after considering all claims & objections and the open hearing on 14.06.2019.

It is observed that the judgments of Hon'ble Courts quoted by you were for cases having entirely different facts which are not relevant in the present case particularly in following way:

1. In the case of Surendra Jai Narain (CWP No. 34043 of 2001), the seniority list was finalized about 15 years ago and the candidate appointed from the waitlist claimed the higher seniority after the inordinate delay which was not allowed by the Hon'ble High Court.
2. In the case of Gujarat State Dy. Executive...v/s state of Gujarat, the main issue was the waiting list being open ended (till declaration of the result of subsequent examination) and number of vacancies to be filled through the wait-list kept on changing (including future vacancies). The Hon'ble Supreme Court held that waitlist can be prepared in respect of those posts for which selection/competition was held and it can operate for some reasonable period. However considering peculiar facts issued specific directions about the seniority.


The ratio of above judgments of the Hon'ble Courts cannot be applied in the present case especially in view of following:

1. The seniority of Clerks selected through the Common Examination in 2013 was never finalized and it remained as draft seniority for last about two years. This is the first occasion when the seniority list has been finalized vide order dated 17.06.2019.
2. The waitlist of Clerks was operated for those posts only for which the common examination was held and the persons from the wait list were appointed within its validity period of one year.



A hearing was given to you by the Chief Executive Officer on 21.06.2019. Since the persons appointed through waitlist have secured higher marks in the common examination they have been rightly placed above you. Accordingly your claim for placement above the waitlisted candidates, who secured higher marks in the common examination, cannot be accepted.

This issue with the approval of the Chief Executive Officer.


Administrative Officer
Chandigarh Housing Board

To,
Shri Varinder Kumar, Clerk

Copy to:-

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2. Notice Board of the Chandigarh Housing Board
3. Website of the Chandigarh Housing Board