

RAJBIR SINGH, HFS-II  
v.  
THE STATE OF HARYANA AND ANR.

JANUARY 4, 1996

[K. RAMASWAMY AND G.B. PATTANAİK, JJ.]

*Service Law :*

*Inter-se seniority—Party whose seniority is challenged not impleaded—High Court dismissing the writ petition—Open to the party to approach the High Court to file fresh Writ petition impleading the affected parties.*

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 1530 of 1996.

From the Judgment and Order dated 3.6.92 of the Punjab and Haryana High Court in C.W.P. No. 7172 of 1992.

K. Madhav Reddy, R.K. Talwar, Goodwill Indeevar for the Appellant.

I.S. Goyal, Ms. Indu Malhotra and Ravindra Bana for the State.

S. Balakrishnan and M.K.D. Namboodri for the Impleading party.

The following Order of the Court was delivered :

Application for impleadment is dismissed as withdrawn.

Leave granted.

We decline to express any opinion on merits since M.P. Sharma, who was appointed to an additional post as a general candidate pursuant to the direction issued by the High Court in Writ Petition No. 13700/90, on July 8, 1990 while the appellant was regularly selected by the Public Service Commission and appointed earlier to him, is not made a party to these proceedings. The main thrust of the argument is on *inter se* seniority between the appellant and M.P. Sharma. But in the absence of M.P. Sharma being impleaded as a party respondent to these proceedings, we cannot go into the question. Under these circumstances, we do find that though the High Court dismissed the writ petition *in limine*, it would be open to the appellant to approach the High Court, if so advised, to file a fresh writ petition impleading the affected parties and seek his remedy according to law.

The appeal is dismissed accordingly. No costs.

Appeal dismissed.