

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No.11195/2017

1. Sudheer Choudhary Son Of Shri Rajveer Singh, Aged about 36 years, Resident of 235, Pratap Nagar, Devli Arab Road, Barkhera, Kota.
2. Atul Kumar Son Of Shri Jaiveer Singh, aged about 41 years Resident of H-27, Budhsinghpura, Sanganer, Jaipur.
3. Ravinder Tanwar Son Of Shri Amar Singh, aged about 31 years, Resident Of 164/135, Pratap Nagar, Sanganer, Jaipur.
4. Sandeep Son Of Shri Heeralal, aged about 31 years, Resident Of Village Jalimpura, Post Kaligarh, Tehsil Tamkor, District Jhunjhunu.
5. Hansraj Son Of Shri Girdhari Lal, aged about 32 years Resident Of Khejroli, District Jaipur.

-----Petitioners

Versus

1. State Of Rajasthan Through Its Principal Secretary, Home Department, Government Of Rajasthan, Government Secretariat, Jaipur.
2. Director General Of Police, Rajasthan, Jaipur.
3. Inspector General Of Police Cum Director, Police Telecommunication Rajasthan, Jaipur.
4. Naresh Kumar Sharma, S/o Shri Ramesh Chand Sharma, aged about 52 years, resident of Plot No.111, Chand Bihari Nagar, Khatipura, Jaipur

-----Respondents

For Petitioner(s)	:	Mr.Ashok Bansal
For Respondent(s)	:	Mr.Tanveer Ahamad Mr.Rupin Kala, G.C. Mr.Kuldeep Aswal

HON'BLE MR. JUSTICE ALOK SHARMA
Order

31/05/2019

During the pendency of this petition, a revised seniority list in the cadre of Sub Inspector (Operator), Department of Police has been issued on 9.5.2019. The said seniority list however

states to have been issued in compliance with a purported order of this Court during the pendency of this petition.

Mr.Ashok Bansal counsel for the petitioners submitted that in view of the seniority list of 9.5.2019 the petitioners' grievance agitated in this petition has been resolved and in the circumstances the petition be disposed of as infructuous or be allowed to be withdrawn.

Per contra, Mr.Tanveer Ahamad appearing for the impleaded private respondents submitted that this petition should not be allowed to be withdrawn after the petitioners have availed the benefit thereof as the revised seniority list dated 9.5.2019 attributes its existence to a purported order passed by this court when in fact no such order was passed. He submitted that in the circumstances the Court should address the merits of the petition and as to whether or not the petitioners were entitled at all to lay this petition challenging the seniority list in the cadre of Sub Inspector (Operator) after an inordinate unexplained delay.

Mr.Ashok Bansal counsel for the petitioners states that seniority list in the cadre of Sub Inspector (Operator) for the

purpose of promotion to the post of Inspector was issued only on 7.12.2017 and this petition was filed on 11.7.2017 without any delay, inordinate or otherwise, as alleged.

Mr. Rupin Kala, Government Counsel for the respondent-Police Department submitted that indeed in the revised seniority list dated 9.5.2019 it has been erroneously stated that it was issued pursuant to the Court's order. No such order was passed. He submitted that though the issue of seniority in the cadre of Sub-Inspector (Operator) was before the Court the revised seniority list dated 9.5.2019 has been issued by the Department itself based on its appreciation of relevant law and facts. He submitted that steps will be taken to modify the revised seniority list dated 9.5.2019 to the extent of excluding therefrom the reference to it having being issued on the directions of this Court.

Having heard the counsel for the parties and considered the facts of the case, as the petitioners' grievance has been resolved as recorded above. There is no restraint on them to withdraw this petition. And there is no occasion whatsoever for this Court to disallow the prayer for withdrawal and hear this

petition on merits—more so as the now governing revised seniority list dated 9.5.2019 is not a matter under challenge. However as submitted by Mr.Rupin Kala the requisite corrections in the revised seniority list dated 9.5.2019 now be made, excluding therefrom the reference to the purported order/ direction passed by the Court for that purpose.

The seniority list in the cadre of Sub Inspector (Operator) having been revised on 9.5.2019 by the respondent-Department, if aggrieved thereof, the private respondents shall be at liberty to take their remedies, thereagainst, as available in law.

The petition in the facts and prayer of counsel for the petitioners stands dismissed as withdrawn.

(ALOK SHARMA), J

Himanshu Soni /375