

***IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH***

CWP No.3591 of 2015

Date of decision:27.02.2015

Suresh Chander

... Petitioner

Vs.

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Sanjeev Kodan, Advocate for the petitioner.

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TEJINDER SINGH DHINDSA, J.

The Haryana Staff Selection Commission issued advertisement in the year 2008 inviting applications for appointment of 84 posts of HTV Drivers. Out of these, 34 posts were to be filled up from the general category candidates.

As per the pleaded case, the petitioner, who belongs to the general category applied for the post of HTV Driver and was subjected to a process of selection. Result of the selection process was declared by the Commission on 19.04.2012 and the petitioner, whose roll number was 23958 figured at Sr. No.1 in the waiting list.

The grievance raised in the instant writ petition is that even though, a number of candidates belonging to the general category and whose names figured in the select list had not joined, yet, the respondent/authorities have not operated the waiting list and have not offered appointment to the petitioner, who otherwise was at Sr.No.1 in such waiting list. Counsel has referred to the instructions dated 07.10.1998 at Annexure P-12 issued by the State Government on the subject that if

candidates of the original select list do not join the post, then the candidates in the waiting list are vested with a right to be considered for appointment.

Counsel for the petitioner has also argued that even though the validity of the waiting list was only for a period of one year, yet the petitioner cannot be penalized as he has raised his claim within such period by furnishing representation dated 20.03.2013 (Annexure P-10). It has also been contended that the posts of HTV Drivers (general category) that were advertised in the year 2008 having not been consumed as per merit determined, a candidate in the waiting list would have a vested right against such un-consumed post and the claim set up by the petitioner is not pertaining to any subsequent vacancy that may have arisen but only with regard to his selection and recommendation in the waiting list at Sr. No.1 against the original advertised posts.

In the light of the facts noticed herein above coupled with the submissions raised by the counsel, I deem it appropriate to dispose of the present writ petition with a direction to respondent No.2 to consider the claim and grievance of the petitioner and to take a final decision on the legal notice dated 11.08.2014 (Annexure P-11) strictly in accordance with law and by passing a speaking order within a period of three months from the date of receipt of a certified copy of this order.

Disposed of.

27.02.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**