

213 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No.15238 of 2015 in/and
CWP No.10545 of 2012
Date of Decision: 08.01.2016

ANKIT

..... Petitioner

VERSUS

THE STATE OF HARYANA AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. R. N. Lohan, Advocate
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

DEEPAK SIBAL J. (ORAL)

The respondent-State has filed the present application for early hearing of the main case.

With the consent of both the parties, the main case is taken up for hearing today.

On 29.05.2012, while issuing notice of motion this Court has passed the following order:-

"Petitioner contends that the appointment to the Haryana Service of Engineers Group 'A' Public Health Engineering Department provides for filling up of the posts 50% by promotion and 50% by direct recruitment or by transfer. A requisition dated 05.06.2009 was sent by the Public Health Engineering Department, Haryana for filling up of 15 posts of Assistant Executive Engineers (Civil) to the Haryana Public Service Commission. In pursuance thereto, an advertisement was issued and petitioner applied for the said post on 15.06.2009. The said requisition was withdrawn by the Government of Haryana on 07.08.2009. Petitioner sought information under the Right to Information Act as to how many posts are being held by the promotees and how

many posts are required to be filled up through direct process. In response to the said information, he has been informed that there are 14 posts, which are to be filled up through direct recruitment but none of the posts are being held by the direct recruits. All the said posts have been filled up by violating the statutory Rules governing the service by promoting Sub-Divisional Engineers (Group B) who are now holding the said posts. Petitioner contends that the action of the respondents withdrawing the requisition vide order dated 07.08.2009 is with a malafide intention to unduly grant benefit to the Sub-Divisional Engineers (Group B) who have been promoted to the post of Assistant Executive Engineers (Civil) in excess of their quota, which amounts to violation of the statutory Rules.

Notice of motion for 17.08.2012."

Thereafter, written statement was filed by the State and after considering the same, on 08.04.2015, this Court had directed that the main writ petition be admitted for regular hearing.

Learned counsel appearing on behalf of the State of Haryana submits that if the prayer of the petitioner is perused, the same is for issuance of a direction to the respondent-State to fill up the posts of Assistant Executive Engineers by way of direct recruitment which was earlier sought to be filled up through advertisement made in the year 2009 which through the impugned action was withdrawn.

Learned counsel for the State of Haryana submits that through advertisement dated 17.11.2015, the State has advertised to fill up, on regular basis, 16 posts of Assistant Executive Engineer (Civil) and one post of Executive Engineer (Mechanical) which renders the present petition infructuous.

After hearing learned counsel for the parties, the main writ petition is disposed of with a direction that the selection in pursuance of the

advertisement dated 17.11.2015 would be carried out expeditiously and in the peculiar facts of the case till the appointments in pursuance to the aforesaid said selections are made, the respondents are restrained from making promotions to the posts of Executive Engineers from Group-B cadre posts under the Haryana Service of Engineers, Group-A, Public Health Engineering Department Act, 2009.

The writ petition stands disposed of accordingly.

(DEEPAK SIBAL)
JUDGE

08.01.2016
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