

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

**Civil Misc. Application Nos. 12791-92 of 2016 in/and
Civil Writ Petition No.15094 of 2016
Date of Decision: 07.11.2016**

Amrit Pal Singh Kahlon

..... Applicant/Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Gurminder Singh, Senior Advocate assisted by
Mr. R.P.S. Bara, Advocate for the applicant/petitioner.

Mz. Sudeepti Sharma, Deputy Advocate General, Punjab
for respondent Nos.1 to 3/State assisted by
Mr. Jagdish Kumar Bansal, Joint Director,
Prosecution & Litigation Department, Punjab.

JASWANT SINGH, J. (Oral)

This Court, while issuing notice of motion to the official respondent Nos.1 to 3, vide order dated 29.07.2016, noticed the contentions of the applicant/petitioner that while making direct recruitment to the advertised 80 posts of Assistant District Attorneys (ADAs), only 23 have been earmarked for General Category and thereby not only violating the 50% cap on the vertical reservation as commanded by the Hon'ble Supreme Court in case titled as '**Indra Sawhney Vs. Union of India and others, 1992 Supp. (3) SCC 217**', are also illegally increasing the quota meant for the Reserved Categories. Although 17 private respondents were impleaded, however, notice to them was not issued.

The main case stands adjourned to 17.11.2016 for filing of reply by the official respondents.

In the meantime, the aforementioned applications have been moved by the petitioner with the assertion that the respondents are proceeding to complete the recruitment process in the manner that the stipulated percentage of reservation of the Scheduled Castes as well as Backward Class Categories would certainly be violated.

Upon notice of the aforementioned applications for today, a reply by way of affidavit dated 07.11.2016 of Sh. R.K.Kaushik, Special Secretary to Govt. of Punjab, Department of Home Affairs & Justice, Punjab to the aforementioned application(s) has been filed in the Court, the same is taken on record. Copy of the same has been furnished to learned Counsel opposite.

In the reply to the application(s), it is acknowledged that inadvertently, the vacancies of the Reserved Category were not correctly reflected in the table of posts advertised, however, on re-checking, it has surfaced that out of the advertised 80 vacancies, 18 constitute a backlog of the Reserved Category vacancies and out of the remaining 62 vacancies, 31 have been earmarked to be filled up as General Category and the remaining to the Reserved Categories as per their stipulated quota. This position is as per the 50% cap on vertical reservation.

On examination of the contentions of Para Nos.5, 6 and 7 of the preliminary submissions, it is agreed by learned Counsel for the petitioner that nothing more survives to be adjudicated in the present writ petition. He states that he has no objection if the date of hearing of the main case is

preponed and disposed of as infructuous in the light of the contents of the aforesaid Paras of the reply filed today.

At this stage, Mr. D.S.Patwalia, Senior Advocate assisted by Mr. Sehaj Bir Singh, Advocate for respondent No.5-Bikram Singh Goraya and Mr. Gaurav Chopra, Advocate for respondent No.18-Hardeep Kumar are permitted to join the proceedings so as to comprehensively dispose of the writ petition with protection of their rights, if found violated at any subsequent stage. The necessary *Vakalatnamas* have been taken on record.

Learned State Counsel, assisted by Mr. Jagdish Kumar Bansal, Joint Director, Prosecution & Litigation Department, Punjab, assures the Court that action of the State would be strictly complied with as per the aforesaid stand and necessary revised appointment letters shall be issued at the earliest, in accordance with law.

In view of the aforesaid agreed stand, the date of hearing of the main petition is ordered to be preponed and taken up today itself and the main writ petition is disposed of as infructuous, however, liberty is granted to the respondents to seek their remedy in accordance with law, if any of their rights emerging out of the issues involved in the writ petition is found to have been violated.

Since the main petition has been disposed of as infructuous, the aforementioned applications also stand disposed of.

November 07, 2016
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(JASWANT SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No