

**Sr. No.113
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.15730 of 2016 (O&M)
Date of Decision: 05.08.2016**

Sahab Ram

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present:- Mr. Dinesh Kumar, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

The petitioner is an ex-employee of Bhuna Cooperative Sugar Mill Limited, District Fatehabad. Such sugar mill having been placed in private hands, the present petitioner along with other similarly situated employees preferred CWP No.17837 of 2006 before this Court seeking adjustment against vacant post in other Cooperative Sugar Mills as also other Cooperative Institutions.

CWP No.17837 of 2006 along with other connected petitions came to be disposed of by this Court in the light of order dated 28.01.2015 and the operative part of the judgment reads as follows:-

“Having heard the learned counsel for the parties at considerable length and after giving thoughtful consideration to the peculiar fact situation noticed hereinabove, all these writ petitions are disposed of with direction to the respondent authorities to adjust all the ex-employees of the erstwhile Bhuna Cooperative Sugar Mills including the petitioners, on the posts of their respective categories, against available vacant posts in other cooperative sugar mills, as well as other cooperative institutions of the

respondent State, as early as possible, subject to fulfillment of eligibility criteria, prescribed under the relevant Service Rules, however, granting relaxation in age, wherever it is required.

It is further directed that the respondent authorities shall make an endeavour to adjust all the ex-employees of erstwhile Bhuna Cooperative Sugar Mills in their respective categories, at an early date because it will be in the interest of the petitioners as well as the Welfare State. Except in the emergent situations, the respondent authorities shall not fill any vacant post in the cooperative sugar mills as well as other cooperative institutions in the State, till the ex-employees of erstwhile Bhuna Cooperative Sugar Mills are adjusted. However, it is also made clear that the appointments given to the ex-employees of erstwhile Bhuna Cooperative Sugar Mills would be treated as fresh appointments.

With the above said observations made and directions issued, all these writ petitions stand disposed of, however, with no order as to the costs.”

Counsel would submit that the petitioner had been serving on the post of Helper at Bhuna Cooperative Sugar Mills and towards compliance of the directions passed by this Court on 28.01.2015 reproduced hereinabove, since the petitioner did not fulfill the eligibility criteria to be adjusted against the post of Helper in a related Cooperative Sugar Mill/Cooperative Institution an option was called from him as regards accepting adjustment on a lower post. Counsel contends that the option was exercised and the petitioner had conveyed his willingness to even accept a lower post.

In support of such contentions, counsel has referred a document placed on record at Annexure P-4 dated 18.01.2016.

Grievance raised in the present petition is that vide letter dated

01.06.2016 at Annexure P-7 issued by the Managing Director, Haryana State Federation of Cooperative Sugar Mills Limited, petitioner has been conveyed that the matter is still pending final decision before the State Government.

Counsel submits that he would be satisfied if at this stage the writ petition is disposed of with a direction to respondent No.1 to look into the matter and to take a final decision upon the claim of the petitioner in the light of a representation dated 16.05.2016 (Annexure P-6) that has already been filed.

Without making any observations on merits, the present petition is disposed of with a direction to respondent No.1 to look into the matter and to take a final view on the representation dated 16.05.2016 at Annexure P-6 expeditiously and in any case within a period of six weeks from the date of receipt of a certified copy of this order.

Disposed of.

05.08.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No