

CWP No.21892 of 2016;
CWP No.21932 of 2016;
CWP No.22113 of 2016;
CWP No.22692 of 2016 &
CWP No.22693 of 2016

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

Date of decision: 23.12.2016

CWP No.21892 of 2016

Sanjay Sharma & others

...Petitioners

Vs.

State of Haryana & others

...Respondents

CWP No.21932 of 2016

Rajesh Dahiya & others

...Petitioners

Vs.

State of Haryana & others

...Respondents

CWP No.22113 of 2016

Neeraj Kumar & others

...Petitioners

Vs.

State of Haryana & others

...Respondents

CWP No.22692 of 2016

Parkash Chand Joshi & others

...Petitioners

Vs.

State of Haryana & others

...Respondents

CWP No.21892 of 2016;
CWP No.21932 of 2016;
CWP No.22113 of 2016;
CWP No.22692 of 2016 &
CWP No.22693 of 2016

CWP No.22693 of 2016

Rishi Ram & others

...Petitioners

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. S.P.Arora, Advocate,
 Mr. S.K.Aggarwal, Advocate,
 Mr. Surender Pal, Advocate,
 Mr. N.S.Panwar, Advocate, &
 Mr. N.K.Malhotra, Advocate, for the petitioner(s).

Ms. Shruti Jain Goyal, AAG, Haryana for the respondents.

RAJIV NARAIN RAINA, J. (ORAL)

This order will dispose of the aforementioned five cases, as common questions of law and facts are involved in them, which can conveniently be decided by a common order.

The petitioners had approached this Court for directions to permit them to apply for appointment on transfer basis against vacancies notified by the Department of Food & Supplies, Haryana to be filled of transfer basis and their grievance was that they were not being relieved by their parent Department.

The petitioners, who are employees working in different Sessions Division in the subordinate judiciary under the control of the High Court, had challenged the decision of the Government in debarring Subordinate Courts' employees from applying for posts advertised through employment notices issued by the Government departments to fill up the posts of Clerk by transfer.

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Since these cases involve the Department of Food & Supplies, Haryana, Ms. Goyal informs that the Government has decided to withdraw the requisition of filling these posts by way of transfer and has discontinued the process rendering it infructuous. The requisition sent meanwhile by the State Government against 113 vacancies to the Haryana Staff Selection Commission has resulted in initiating recruitment process and written examination stage has been concluded on 11.12.2016.

Ms. Goyal clarifies that when the requisition was sent to fill up 113 vacancies to the Commission, the initial process involving 112 vacancies to be filled by transfer, which were in progress in the Departments has been brought to an end and the vacancies have been withdrawn and a formal decision on the file would be taken within one or two days. Meaning thereby, the process of filling vacancies by transfer from other departments has been dropped and thereby the exercise rendered infructuous.

As far as challenge to the notification dated 19.02.2015 is concerned, the issue raised in the writ petition(s) as to whether the State is empowered to completely bar District Court employees from applying in other Departments of the Government of Haryana for appointment on transfer basis, has been rendered academic and is kept open to be decided in some other case.

Consequently, the petitions stand dismissed as having been rendered infructuous.

[RAJIV NARAIN RAINA]
JUDGE

23.12.2016
Vimal

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>