

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

**CWP No.8689 of 2016 (O&M)
Date of decision:18.10.2016**

Vikram Singh

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA.

Present: Mr. R.K.Malik, Sr. Advocate with
Ms. Rimple Kadyan, Advocate
for the petitioner.

Mr. Hitesh Pandit, Additional A. G., Haryana.

RAJIV NARAIN RAINA.J (ORAL)

On 05.05.2016, this court has passed the following interim order to decide the issue involved in this case:-

“Learned counsel, inter alia, contends that as per the merit list the last candidate, who had been selected in general category, had secured 53.81 marks and the petitioner had also obtained 53.81 marks but he has not given appointment being younger in age. However, two persons from the general category did not join and the petitioner being at No.1 in the waiting list has a right to be appointed in view of the judgment of this Court in CWP No.13215 of 2009 titled Gajraj Singh Vs. State of Haryana and others, decided on 05.05.2010 (Annexure P-14), which was subsequently affirmed by Division Bench of this Court in LPA No.716 of 2011 titled State of Haryana and others Vs. Gajraj Singh, decided 20.04.2011 (Annexure P-15).

Notice of motion.

On asking of the Court, Mr. Hitesh Pandit, Additional Advocate General, Haryana, accepts notice on behalf of State and seeks time to file reply.

Copy of this petition be given to learned State counsel during the course of the day.

Adjourned to 31.05.2016.

In the meantime, the respondent(s)-State may file short reply with regard to the implementation of ratio of the above-said judgments (Annexures P-14 and P-15)."

The factual position is that the petitioner may appear to possess a clear and an unambiguous right to appointment for the reason that two general category candidates have not joined service and vacancy is available from the same selection process. The law has already been indicated by a Coordinate Bench of this Court in the interim order. It is also not a case which deserves an adjournment to receive the response of the State. This Court is of the view that the matter can be disposed of with a direction to the respondent to consider the case of the petitioner in the light of the ratio of law in CWP No. 13215 of 2009 titled ***Gajraj Singh Vs. State of Haryana and others.***

In the light of judgments noticed in the interim order and the view of the learned Single Judge in Gajraj Singh's case which has been affirmed in the LPA the judgment has thus become rule for this court to follow.

Consequently, a direction is issued to the respondents to implement the ratio of judgments to the case of the petitioner forthwith and definitely before 28.10.2016, since the State has already been put to the notice vide the interim order to implement the judgements and the order has been passed in May and now we are in October 2016. The directions contained in the interim order are made absolute.

This petition is disposed of accordingly.

Order dasti.

October 18, 2016.
hemlata

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No