

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.2385 of 2016 (O&M)

Date of Decision: December 09, 2016

M.P.Sharma

.....Appellant

versus

Stte of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.A.P.Bhandari, Advocate, for the appellant.

Ms.Palika Monga, DAG, Haryana, for respondent No.1.

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1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

Notice of motion to respondent No.1 only at this stage.

On our asking, Ms.Palika Monga, learned Deputy Advocate General, Haryana, accepts notice.

Let two copies of complete paper-book be supplied to her during the course of day failing which this order shall be automatically recalled and the appeal shall be deemed to have been dismissed for non-prosecution.

The instant intra-court appeal has been filed raising two-fold grievances, namely, (i) that after issuance of show-cause notices to the un-merited selected candidates in the year 2015, the State Government has taken no further action to revert them or dispense with their service; (ii) the appellant is entitled to be considered for appointment to HCS (Executive Branch) against the resultant vacancies.

We find from the order of learned Single Judge with reference

to issue No.1 that steps have been taken either to terminate the services or revert the unmerited selected candidates to their previous posts. However, if the State Government has not finalized such action, we direct the Chief Secretary, Haryana, to take those proceedings to a logical conclusion as early as possible but not later than four months from the date of receiving a certified copy of this order.

On the second issue, claim of the appellant appears to be premature as the survival of such claim would depend upon the final outcome of the decision taken on Issue No.1. It is only when vacancies become available that the process to refill the same in accordance with the rules, can be started. If there is any other grievance of the appellant which has not been adjudicated by the learned Single Judge, he may approach the learned Single Judge by way of appropriate application.

The appeal stands disposed of accordingly.

[SURYA KANT]
JUDGE

December 09, 2016
mohinder

[SUDIP AHLUWALIA]
JUDGE

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