

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

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**CWP-10568-2013 (O&M)
Date of decision:18.04.2017**

Baljinder Singh and others

....Petitioners

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr.R.K.Malik, Sr. Advocate with
Mr. Tej Pal Singh Dhull, Advocate for the petitioners.

Mr. Hitesh Pandit, AAG, Haryana.

P.B. Bajanthri, J. (Oral)

Petitioners have questioned the validity of Annexure P2 by which the official respondents have resorted to allocate the staff amongst two wings i.e. regulatory and commercial wing after its constitution on 20.09.2002 by means of draw of lots. In the service jurisprudence there is no concept of draw of lots where the bifurcation of department or bifurcation of district is done. In such event allocation of employees would be with reference to seniority, length of service read with exercising option. Method of draw of lots would be heart burning among the senior employees if they do not get their names in the draw of lots at the earliest. There are every chance that there would be discrimination between the senior and junior in the allocation of regulatory and commercial wings in the present

case. Therefore, Annexure P2 proposal for allocation of employees through draw of lots is highly arbitrary and illegal. Accordingly, it is set aside. The respondents are directed to seek necessary option from the employees for the purpose of allocation to regulatory wing and commercial wing. After receipt of the options from the employees necessary action should be taken to allot them in respect of regulatory and commercial wings. The above exercise shall be completed within a period of 6 months from today.

CWP stands allowed.

18.04.2017

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No