

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

CWP No. 14810 of 2017
Date of decision: 19.07.2017

DalbirPetitioner(s)

Versus

State of Haryana and others ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Ms. Sangita Dhanda, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks a direction to the respondents for issuance of the appointment letter against the post of a Conductor left unfilled in the ex-serviceman quota belonging to his category i.e. Backward Class-A as per instructions dated 02.07.2010 (Annexure P-4) and 23.05.2014 (Annexure P-5).

It is the case of the petitioner that there is no need to re-advertise the post remaining unfilled against the vacancies reserved for the said category and those could be filled up from amongst the candidates of the said category available for appointment out of the wait list. It is further the case of the petitioner that the name of the petitioner figures at Sr. No. 13 in the wait list in pursuance to the Advertisement No. 3 of 2009 issued by the Haryana Staff Selection Commission and that appointment letters have been issued to candidates lower in merit and reference has been made to para nos. 13 and 14 to contend that the petitioner was at Sr. No. 13 whereas, candidates at Sr. Nos. 30, 38 and 43 were offered appointments due to

passing of orders by this Court. Reference is made to the order passed in CWP No. 18044 of 2014, Sunil Kumar and others vs. State of Haryana and others decided on 19.05.2016 (Annexure P-9) regarding this extent. Counsel further submits that advance notice-final demand notice has already been served upon the respondents on 12.05.2017 (Annexure P-10), which is still to be decided by the respondents and the petitioner would be satisfied if a direction is issued to the respondents to decide the same within a fixed time frame.

Notice of motion.

Ms. Shruti Jain Goyal, AAG, Haryana accepts notice. Copy of the writ petition has been supplied to her.

Without commenting on the merits of the case or the entitlement of the petitioners for the abovesaid relief and keeping in view the fact that the matter is still pending consideration, the present writ petition is disposed of with direction to respondent no. 2 to take a decision on the said demand notice dated 12.05.2017 (Annexure P-10) within a period of 3 months from the date of receipt of certified copy of the order. Needless to say if the benefit is to be declined, a reasoned order be passed and the same be conveyed to the petitioner.

19.07.2017
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No