

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

Date of decision : 30.11.2017

1.

CWP-22863-2014

Parveen Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

2.

CWP-23299-2014

Brijesh Singh

... Petitioner

Versus

Haryana State Agricultural Marketing Board and others

... Respondents

3.

CWP-6162-2015

Anil Kumar and others

... Petitioners

Versus

Haryana State Agricultural Marketing Board and others

... Respondents

4.

CWP-8300-2015

Ashok Kumar and others

... Petitioners

Haryana State Agricultural Marketing Board and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Amar Singh Tewatia, Advocate in CWP no.22863 of 2014;
Mr.R.K.Malik, Senior Advocate with
Mr. Ramandeep Singh, Advocate
in CWP no.23299 of 2014 & 8300 of 2015;
Mr.Manjeet Singh, Advocate in CWP no.6162 of 2015;
for the petitioners.

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

Mr. Padamkant Dwivedi, Advocate
for respondent no.2-Board in CWP no.22863 of 2014;
for respondent no.1-Board in CWP no.23299 of 2014;
for respondents no.1 & 2-Board in CWP no. 6162 of 2015 &
CWP no.8300 of 2015.

Mr. Arun Sharma, Advocate
for respondent no.4 in all petitions.

AMOL RATTAN SINGH, J.(ORAL)

By these petitions the petitioners seek to be absorbed in the respondent-Haryana State Agriculture Marketing Board (hereinafter referred to as the 'HSAMB'), having been sent there on deputation from the Haryana State Co-operative Agriculture and Rural Development Bank Ltd. (respondent no.4) in the year 2013, for a period of one year in terms of the letter Annexure P-2 (annexed with CWP no.6162 of 2015).

They having been ordered to be repatriated to the bank vide the impugned order Annexure P-23 (again with CWP no.6162 of 2015; though it is an order in fact covering the petitioners in all these petitions as per learned counsel for the HSAMB).

Upon these petitions having been filed, an order was passed by this Court in CWP no.22863 of 2014 on 11.11.2014, staying the operation

Davinder Kumar
2017.12.08 15:28
I attest to the accuracy and
integrity of this document of the impugned repatriation order, with the said order made applicable in

CWP no.23299 of 2014, on 14.11.2014. As regards the petitioners in the other two petitions, i.e. CWP nos.6162 of 2015 and 8300 of 2015, no interim order staying their repatriation was passed, and consequently the petitioners therein are stated to have joined back in the bank in December 2014, which is for the past 3 years now.

In the case of the petitioners who had a stay order in their favour, Mr. Dwivedi, learned counsel for respondent no.2, i.e. the HSAMB, submits that their cases have been sent to the Government, recommending their absorption in the Board.

That being so, though prima-facie it would be seem to be discrimination against the petitioners in CWP no.6162 of 2015 and CWP no.8300 of 2015, however, they having been repatriated in the same scale that they were drawing pay scale on the deputationist posts, and they not having been declared surplus by the bank for the past 3 years at least, it is considered appropriate that all these petitions be disposed of with a direction that the Government take a decision on absorption of the petitioners in all these cases and pass an order on that within a period of 3 months from the date of receipt of a certified copy of this order.

If the Government decides not to absorb the petitioners/any of them, and subsequently they are proposed to be declared surplus in the respondent bank, or as is contended by learned counsel for the petitioners, the bank itself is under process of closure, the petitioners would have a right to approach this Court again and simultaneously approach the Government for absorption at that stage in other Departments / Corporations / organisation of the Government.

Till the time the decision is taken in the case of those petitioners who have a stay order in their favour, they be not repatriated.

(AMOL RATTAN SINGH)
JUDGE

November 30, 2017.
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No