

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.22999 of 2014
Date of Decision: 10.10.2017

Pardeep Kumar

... Petitioner

Versus

State of Haryana & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Samrat Malik, Advocate,
for the petitioner.

Mr. R.K. Doon, Asstt. A.G, Haryana.

AMOL RATTAN SINGH, J.(Oral)

This petition had initially come up for hearing on 18.09.2017 along with CWP No.22983 of 2014 (**Sunita Devi vs. State of Haryana & ors.**) and CWP No.24437 of 2013 (**Kulwinder Singh & ors. vs. State of Haryana & ors.**), in which the same issue was involved. On that date, i.e. 18.09.2017, *Kulwinder Singh's case* was allowed by this Court, with the direction to the respondents to offer him an appointment as a Jail Warder, on the ground that the posts advertised in the category of Ex-Servicemen (ESM), remained unfilled and therefore, those in the waiting list from the General Category/the vertical reservation category in which the horizontal reservation for ex-servicemen had been made, had a right to be appointed in terms of the instructions of Haryana Government dated 04.04.2014.

It had been noticed by this Court that the stand of the respondents was that since the selection process in question had started before the issuance of the aforesaid instructions, the petitioner would have no right to appointment in terms of those instructions.

That contention has been rejected by this Court, holding that

once the Government has taken a decision during the validity of the waiting list period to not re-advertise the unfilled posts of the ESM category, obviously no fresh advertisement could be issued and therefore, the unfilled posts of the ESM category should be filled up from the waiting list of the General Category/vertical reservation the category in which the horizontal reservation (ESM) has been made.

The present petition had, however, been adjourned along with other similar matters [other than *Kulwinder Singh's case (supra)*], but was not listed on 20.09.2017, when those other matters, including *Sunita Devi's case (supra)* were listed, and some confusion was therefore created as to whether this case has been decided on 18.09.2017 or 20.09.2017. It had been subsequently found that it had not been listed on 20.09.2017 and was consequently ordered to be listed for hearing today.

The issue in the present petition is identical to that in *Kulwinder Singh's case* and *Sunita Devi's case*. Sunita Devi's petition was also allowed on 20.9.2017, by this court citing the earlier order passed in *Kulwinder Singh's case*.

In the present petition, the post to which the petitioner seeks appointment, is that of a Steno-typist (Hindi), with the issue still being the same.

The result of the examination of the selection process in question admittedly having been announced by the respondent-Commission on 21.08.2013, obviously the validity of the waiting list would continue for at least a period of one year, i.e. upto 20/21.08.2014, during the pendency of which the instructions of the Government of Haryana dated 04.04.2014 (Annexure P-5) came to be issued.

Consequently, it not being denied by the respondents that the posts advertised in the ESM Category remained unfilled, this petition is also allowed, directing the respondents to consider the case of the petitioner for appointment to the post of a Steno-typist (Hindi), in the unfilled posts in the category of ESM BCB, the petitioner being a candidate in the “vertically reserved” category of BCB. If the petitioner is otherwise eligible, an appointment letter be issued to him within a period of 2 months from the date of receipt of a certified copy of this order, with his appointment to be effective for all other purposes, except actual arrears of salary, from 04.05.2014, i.e. a period of one month after the aforesaid instructions dated 04.04.2014 were issued.

A copy each, of the judgments of this Court in Kulwinder Singh's case(supra) and Sunita Devi's case (supra), be also annexed with the present order, the issue having been dealt with in detail in the said cases.

10.10.2017

monika

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No