

COCP-1970-2017

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

COCP-1970-2017

Date of Decision: 14th August, 2018

Raj Kumar & others

...Petitioners

Versus

Smt. Dheera Khandelwal, IAS & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vivek Khatri, Advocate, for the petitioners.

Mr. Ravi Pratap Singh, AAG, Haryana.

Mr. C.S. Bakshi, Advocate, for respondent No.3.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Having considered the submissions made by the learned counsel for the parties and on going through the pleadings, this Court is satisfied by the reply which has been filed by respondent No.3. According to the said reply, petitioners No.3, 4, 6, 7 and 8 are not eligible for appointment against the posts, which they were holding in the Bhuna Cooperative Sugar Mill and therefore, would not be entitled to the benefit of judgment passed by this Court in CWP No.17837 of 2006, titled as 'Bhim Sain & others Vs. State of Haryana & others' along with other writ petitions. As regards petitioners No.1, 2 and 5 are concerned, they are eligible but could not be adjusted due to non-availability of vacant posts.

In view of the above, the present contempt petition would not survive. If qua the eligible petitioners, as and when vacancies available, they may be adjusted as per the judgment dated 28.01.2015 passed by this

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Court in CWP No.17837 of 2006 and other connected matters. With regard to ineligible petitioners i.e. petitioners No.3, 4 6, 7 and 8, they may move an application for consideration on the posts for which they may be eligible for appointment within a period of two weeks from today. In case such application(s) is/are moved by them, the same shall be considered and decided by the respondents within a period of eight weeks from the date of submission of such application(s).

Disposed of with above observations.

Rule issued to the respondents stands discharged.

(AUGUSTINE GEORGE MASIH)
JUDGE

14th August, 2018

Harish

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