

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

Date of decision : 11.02.2019

1. CWP No.18166 of 2017
Yudhvir Singh and others
Vs. ...Petitioners
State of Haryana and others
...Respondents
2. CWP No.3689 of 2017
Dharmander and another
Vs. ...Petitioners
State of Haryana and others
...Respondents
3. CWP No.23145 of 2018
Naveen Kumar and others
Vs. ...Petitioners
State of Haryana and others
...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. A.K. Yadav, Advocate,
for the petitioner(s).

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

Ritu Bahri, J. (oral)

This order shall dispose of CWP No.18166 of 2017, CWP No.3689 of 2017 & 23145 of 2018 together as common questions of law and facts are involved in all the petitions. For reference, facts are being taken up from CWP No.18166 of 2017.

Petitioners participated in the selection process for the post of Canal Guard, Jhajjar Water Services Circle, Jhajjar, pursuant to advertisement dated 15.05.2011 (Annexure P-1). They are seeking quashing of the letter/order dated 27.01.2016 (Annexure P-8), whereby their request for declaring the result for the said posts has been declined.

As per letter dated 27.01.2016 (Annexure P-8), it was intimated that the process of recruitment of Canal Guard was to be completed by 30.09.2011 and validity of waiting list was only upto six months. This process could not be completed till 31.03.2012 and has become infructuous.

Grievance of the petitioners is that as per information dated 29.04.2016 (Annexure P-9 Colly.), result of other circles was declared after a gap of 2½ years.

Upon notice, reply on behalf of respondent Nos.1 to 3 was filed by the Superintending Engineer, Jhajjar Water Services Circle, Jhajjar, stating therein that pursuant to the advertisement, applications were invited and the candidates, who qualified the physical test, were called for interview. Roll numbers were issued to the petitioners and they were called for Physical Measurement & Swimming and then for physical test vide letter dated 15.11.2011 (Annexure P-5). Thereafter, they were called for interview vide letter dated 10.11.2012 (Annexure R-2). Result of Jhajjar Circle was not declared as the selection process was not completed within the prescribed time limit as per guidelines dated 20.04.2011 (Annexure R-3). It is further stated that Chairman of Selection Committee-cum-Superintending Engineer, Jhajjar Water Services Circle, Jhajjar was retired on 31.03.2014 on attaining the age of superannuation without completing the selection process. The subsequent Superintending Engineers of Jhajjar

Water Services Circle, Jhajjar did not interfere in the selection process, which was not completed by their predecessor. Thereafter, fresh requisition was sent to the Chief Secretary, Government of Haryana vide letters dated 28.10.2015 (Annexure R-4) and 03.07.2017 (Annexure R-5) to make appointment to the posts of Canal Guard.

In compliance with the order dated 13.09.2018 passed by this Court, affidavit of Superintending Engineer, Jhajjar Water Services Circle, Jhajjar has been filed in Court today, wherein it has been clarified that after initiating the selection process in the year 2011, Chairman of the Selection Committee i.e. Superintending Engineer retired on 31.03.2014 on attaining the age of superannuation without completing the selection process. On 16.07.2015, papers qua the selection process were handed over by Sh. Jitender Singh Balhara, Superintending Engineer Retd. To Sh. Rajiv Batra, Executive Engineer, Water Service Feeder Division, Rohtak i.e. after a period of 01 year and 04 months of retirement. This created doubts and the selection process had become infructuous. It has been reiterated that the selection process was required to be completed before 30.09.2011. In the affidavit, it has been further stated that since the Superintending Engineer, who was making the selections had retired in 2014, but had handed over the papers qua the selection process on 16.07.2015, it created a doubt in the minds of subsequent Superintending Engineers and no further action was taken in this regard. This had been done rightly by the authorities. Petitioners have no right to seek direction for appointment to the posts of Canal Guard in district Jhajjar, pursuant to advertisement dated 15.05.2011 (Annexure P-1). Moreover, vide subsequent letters dated 28.10.2015 & 03.07.2017 (Annexures R-4 & R-5), requisitions have been sent to the Staff

Selection Commission for making selection for the post of 159 Canal Guards, as the selection process has now been taken away from the Superintending Engineers at the district level.

In view of the affidavit filed, no further directions are required to be given in these petitions. Resultantly, all the petitions i.e. CWP No.18166 of 2017, CWP No.3689 of 2017 & 23145 of 2018 stand dismissed.

11.02.2019
ajp

(RITU BAHRI)
JUDGE

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