

CWP-19815-2019 (O&M)

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

**CWP-19815-2019 (O&M)
Date of decision : 24.07.2019**

Varun Sharma

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr.Rakesh Nagpal, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

Prayer in the present writ petition is for issuance of a writ in the nature of mandamus directing respondent Nos.2 and 3, to send the case of the petitioner to respondent No.5, through proper channel, for consideration/selection of HCS (Executive Branch) from Register A-II of Members of Group-C, in pursuance to advertisement dated 13.06.2019 (Annexure P-1).

It was alleged that the petitioner is stated to be working as Assistant in District Rural Development Agency, Nuh. The State Government, vide notification dated 04.01.2019, amended the Haryana Civil Services (Executive Branch) Rules 2008, whereby the applications from amongst eligible members of Group-C Service, required to be sent by Heads of Departments, Haryana to Administrative Secretaries. District Rural Development Agency (DRDA) is being controlled by the Director, Rural Development, Haryana, therefore, the petitioner's case falls under the

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Director, Rural Development, Haryana. As per Rule 8 (38) of the Haryana Civil Services (General) Rules, 2016, name of the Department i.e. Rural Development Department, Haryana, has been given in Appendix 1 of Rules 2016 i.e. list of Heads of Departments. The petitioner being eligible submitted application for the aforesaid post, on 25.06.2019, to his immediate Officer i.e. Additional Deputy Commission-cum-Chief Executive Officer, DRDA, Nuh, who, in response to request, vide letter dated 25.06.2019 (Annexure P-5), sent his case to the Principal Secretary to Government of Haryana, Rural Development Department, but no further intimation has been received, though the written examination for the aforesaid post, which is slated for today, owing to pendency of writ petition before the Division Bench of this Court, has been postponed.

During the course of hearing, he has drawn the attention of this Court to letter dated 09.01.2019 (Annexure P-7) that the State Government has reconsidered the matter regarding sanction of posts under DRDA Administration Scheme and decided to restructure DRDAs under DRDA Administration Scheme by sanctioning 16 posts, in such circumstances, the petitioner, being employee of Haryana Government, is eligible for the aforesaid post.

I am afraid aforementioned arguments are not sustainable as, the contents of letter reveal that service rules of employees of Haryana Government shall be applicable to the employees of DRDAs Administration Scheme. For the sake of brevity, relevant contents read as under:-

" (i) These posts can be filled up as per State Govt. Rules and procedure.

(ii) The service rules of employees of Haryana Govt. shall be

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applicable to the employees of DRDAs Administration Scheme as they are sanctioned authorised and paid by the Govt. of Haryana."

Had the petitioner been employee, there would not have been any necessity of referring to the same. DRDA is working under the office of Rural Development Department, Haryana, for execution of the works, in various fields.

Keeping in view aforementioned facts, no ground is made out for interference, much less, prayer of the petitioner does not fall within the realm of judicial review under Articles 226/227 of the Constitution of India. The present writ petition is dismissed.

24.07.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

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