

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

LPA No. 1645 of 2019 (O&M)

Date of decision: 26.9.2019

Rajesh Kumar and others

.. Appellants

vs

The State of Haryana and others

.. Respondents

**Coram: Hon'ble Mr. Justice Rajiv Sharma, Acting Chief Justice
Hon'ble Mr. Justice Harinder Singh Sidhu**

Present Mr. Sahil Choudhary, Advocate, for the appellants.

Rajiv Sharma, Acting Chief Justice

This appeal is instituted against the judgment rendered by learned Single Judge in CWP No. 11224 of 2013 – Naresh Kumar and others vs The State of Haryana and others dated 4.10.2017.

Brief facts necessary for adjudication of the present appeal are that respondent- State had issued an advertisement dated 6.2.2004 wherein 1400 posts were advertised. These posts were to be filled up in two Battalions of Haryana State Industrial Security Force (HSISF) by the concerned Selection Boards. Similarly vide advertisement dated 10.7.2004, 250 posts of male constables along with 1863 posts of temporary constables (male and female) were to be filled through direct recruitment for the different battalions of HSISF. The appellants participated in the selection process. They were appointed with HSISF.

The fact of the matter is that HSISF was disbanded on 29.6.2005 by repealing the Haryana State Industrial Security Force Act, 2003 (hereinafter referred to as 'the 2003 Act' for brevity sake). The appointment letters issued in favour of the petitioners dated 21.12.2004

were rescinded. The act was challenged by similarly situated persons. The directions were issued that the speaking order be passed. Speaking order was passed on 27.9.2005. It transpired that the 2003 Act was never in force. The decision dated 27.9.2005 was challenged before the Division Bench in CWP No. 248 of 2006 – Sanjay Kumar and others vs State of Haryana and others. The writ petition was dismissed on 9.1.2006. The decision of the Division Bench was upheld by Hon'ble the Supreme Court on 12.5.2006. The Commission, which was appointed to go into the manner in which the appointments were made in HSISF, also opined that creation of HSISF was bad.

As far as the advertisement dated 7.8.2004 is concerned, that was for regular police. There was distinction of selection made in the police as well as in HSISF.

As far as judgment in LPA No. 96 of 2009 Mohan Lal and others vs State of Haryana is concerned, the issue therein pertains to advertisement dated 7.8.2004 for the posts of Sub-Inspectors. The appellants have not challenged the disbanded order dated 29.6.2005. Similarly situated persons have earlier filed writ petitions, which were dismissed by this Court on 4.11.2004 and 16.1.2015.

There is no merit in the present appeal. The same is accordingly dismissed.

(Rajiv Sharma)
Acting Chief Justice

26.9.2019
vs

(Harinder Singh Sidhu)
Judge

Whether speaking/ reasoned

Yes/No

Whether Reportable

Yes/No