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

**CM No. 1820-LPA-2020 in/and**
**LPA No. 775 of 2019 (O&M)**
**Date of Decision: 08.10.2020**

Krishan Kumar and others ...Petitioners

Versus

State of Haryana and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE S.N.SATYANARAYANA**
**HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr. Ishaan Bhardwaj, Advocate
for the applicants.

Ms. Shruti Jain, DAG, Haryana.

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**S.N.SATYANARAYANA, J.(ORAL)**

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The petitioners in CWP-25983 of 2018 are in appeal in LPA-775-2019 (O&M). In this appeal an application is filed in CM-1820-LPA-2020 by two persons seeking permission to get themselves impleaded on the premise that they are similarly placed as the petitioners in CWP No. 26469 of 2019 as well as appellants in LPA-775 of 2019 and therefore, they are necessary parties to be impleaded as appellants in these proceedings. When this application is taken up for consideration, this Court felt that the order that would be passed in LPA-775 of 2019 would be applicable to applicants also, therefore, it is open for them to file separate writ petition if necessary or to wait until these matters are disposed of and take advantage of the same.

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At this juncture, learned State counsel would bring to the notice of this Court that the writ petition in CWP-25983 of 2018 out of which LPA No. 775 of 2019 is arising, was disposed of by order dated 20.02.2019, pursuant to an order passed in the matter of **Garima Jindal v. HVPNL and another (CWP No. 13384-2011, decided on 06.08.2012).** Pursuant to that it is stated that instructions dated 05.03.2019 were issued by the State Government. It is thereafter, a review was filed in RA-CW-113-2019 in CWP No. 25983 of 2018, which came up for consideration before learned Single Judge on 08.03.2019, on which day, the said review application was disposed of in the following manner:-

> ***"Heard counsel for the parties.***
>
> ***Keeping in view that instructions dated 05.03.2019 have been issued by the respondent-State to fill up the posts reserved for SBC, from the General category, no case for review of the order dated 20.02.2019 is made out.***
>
> ***Dismissed. However, it is being clarified that now, the case is covered by the instructions dated 05.03.2019 and not by the judgment passed in Garima Jindal Vs. HVPNL and another, CWP No. 13384-2011. The respondents will proceed as per the instructions dated 05.03.2019."***

Thereafter, LPA No. 775 of 2019 has been filed. The learned counsel appearing for the State would bring to the notice of this Court that subsequent to filing of present appeal earlier instructions of the State, dated 05.03.2019, is substituted by instructions dated 05.06.2019, which is presently holding the field, so far as filling up the posts reserved for SBC category.

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In that view of the matter, pursuing the present appeal would not be in the interest of the appellants and would not lead to resolution of the dispute, which they have raised in the light of the earlier instructions dated 05.03.2019.

In the light of aforesaid submission by learned counsel for the State and the entire material available on record, i.e. earlier order of learned Single Judge, dated 20.02.2019 in CWP No. 25983 of 2018 as well as the order dated 08.03.2019, passed in review application in RA-CW-113-2019 in CWP No. 25983 of 2018, as referred to supra, were looked into. The submission of the learned counsel for the State with reference to issuance of fresh instructions dated 05.06.2019 and not being challenged is also taken into account. In that view of the matter, we are of the opinion that though an application for impleadment in CM-1820-LPA-2020 has come up today for consideration, however, the main appeal itself can be disposed of.

In the aforesaid circumstance, LPA-775-2019 is taken up on Board today itself and the same is disposed of as having been rendered infructuous in the light of the instructions dated 05.06.2019 issued by the respondent-State, reserving liberty to the appellants/applicants to pursue their remedy in challenging the instructions dated 05.06.2019, if they are so advised.

**(S.N. SATYANARAYANA)**
**JUDGE**

**(ARCHANA PURI)**
**JUDGE**

**October 08, 2020**
Maninder

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

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