

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

**CWP No. 9127 of 2020**

**Date of Decision: 24.08.2020**

**ASHISH DHULL AND ANOTHER**

**.... Petitioners**

Vs.

**STATE OF HARYANA AND OTHERS AND OTHERS**

**..... Respondents**

**CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN  
HON'BLE MR.JUSTICE ASHOK KUMAR VERMA**

Present: - Mr. Ashwani Talwar, Advocate,  
for the petitioners.

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**RAKESH KUMAR JAIN, J. (ORAL)**

Case has been taken up through Video Conferencing.

The petitioners are the employees of the Haryana Power Generation Corporation, Panipat, have challenged the vires of Clause-2(iii) of the order dated 11.03.2011 issued by the Department of Personnel, Government of Haryana by which the officers of Boards or Corporations and other autonomous bodies are not brought within the definition of Government Employees and are not allowed to apply for the post of Indian Administrative Service (IAS) from non State Civil Services in terms of Indian Administrative Service (Appointment by Selection) Regulations, 1997.

At the time of preliminary hearing, on 07.08.2020, this Court had passed the following order:-

*"Case has been taken up through Video Conferencing in view of Covid-19 pandemic.*

*Mr. Kanwal Goyal, learned counsel for respondent No.4 (Haryana Public Service Commission) has relied upon the judgment of Division Bench of this Court which has been upheld by Hon'ble the Apex Court as well.*

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*Learned counsel for the petitioner seeks time to go through the said judgment.*

*Adjourned to 24.08.2020."*

Learned counsel for the petitioners has fairly conceded that the issue as to whether the employees of the Boards/Corporation or any other Autonomous Bodies are the Government employees has already been decided against them by this Court vide common order dated 29.07.2019 passed in a bunch two writ petitions bearing **CWP No. 19790 of 2019**, titled as *Deepak Kumar and others Vs. State of Haryana and others* and **CWP No. 19994 of 2019**, titled as *Parveen Kumar and another Vs. State of Haryana and another*. It is also a matter of fact that in both the writ petitions i.e. **CWP No. 19790 of 2019** and **CWP No. 19994 of 2019**, the petitioners therein had filed SLP bearing Nos. 18170 of 2019 and 20087 of 2019 which have been dismissed by the Hon'ble Supreme Court on 31.07.2019 and 30.08.2019 respectively.

Although, counsel for the petitioners has argued vehemently that the decision of this court in the case of *Deepak Kumar and Others (Supra)* is not applicable but he could not deny the fact that the decision rendered in the said case is on the same issue and in this regard reference could be had to Para 5 of the said decision rendered by the Division Bench of this Court in which the same issue was involved and has been decided.

Thus, we have no doubt that the controversy raised in the present case is squarely covered by the decision rendered in the case of *Deepak Kumar and Others (supra)* which has further been upheld by the Hon'ble Supreme Court by dismissing both the SLPs filed at the behest of

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Deepak Kumar and Parveen Kumar who are the petitioners of the aforesaid two writ petitions i.e CWP No. 19790 of 2019 and CWP No. 19994 of 2019.

In view of the aforesaid discussion, the present writ petition is hereby dismissed.

**(RAKESH KUMAR JAIN)**  
**JUDGE**

**(ASHOK KUMAR VERMA)**  
**JUDGE**

**24.08.2020**

*Ess Kay*

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