

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

236

CWP-27430-2018 and other
connected cases
Date of decision: 03.03.2020

Sandeep Kundu and others

....Petitioners

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Manjeet Singh, Advocate and
Mr. Aditya Yadav, Advocate (in CWP-3719-2011)
for the petitioner(s).

Ms. Safia Gupta, AAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

1. This order shall dispose of four writ petitions namely CWP No.3719 of 2011, CWP No.27430 of 2018 and CWP Nos.12889 & 13422 of 2013. For ready reference, facts have been taken from CWP-27430-2018.
2. The present petition has been filed by the petitioners-Sandeep Kundu and two others *inter alia* with the prayer to quash the instructions dated 14.10.1999 (Annexure P-3), 24.09.2008/22.10.2008 (Annexure P-5) and instructions dated 04.05.2018 (Annexure P-14), issued by the Government of Haryana, thereby providing the benefit of reservation for promotion to the members of Scheduled Castes in their respective Group C and D Cadres w.e.f. 17.06.1995 till date.
3. Learned counsel for the petitioners further submits that although,

their prayers were also made *inter alia* to quash the promotion orders qua respondents No.6 to 27, but in view of the order dated 06.02.2020, passed by this Court, the petitioners would be satisfied in case, a direction is given to the official respondents (especially respondent No.1) to examine the case of the petitioners afresh in view of the law laid down by the Hon'ble Supreme Court of India in the judgment dated 26.09.2018, passed in ***Jarnail Singh and others vs. Lachhmi Narain Gupta and others, 2018(4) SCT 445 in SLP (Civil) No.30621 of 2011, decided on 26.09.2018.***

Learned counsel then submits that the Hon'ble Supreme Court of India has observed in Para 15 of the judgment regarding creamy layer principle and also the fact that it is clear that when a Court applies the creamy layer principle to Scheduled Castes and Scheduled Tribes, it does not in any manner tinker with the Presidential List under Articles 341 or 342 of the Constitution of India.

4. Without commenting on merits of the controversy lest it prejudice and independent consideration by the Competent Authority, this Court deems it appropriate to ***dispose of*** the writ petition with direction to respondent No.1 to decide the claim of the petitioners in view of the judgment of ***Jarnail Singh (Supra)*** as relied upon by the petitioners, take a decision and pass a reasoned order within a period of *four weeks* from the date of receipt of certified copy of the order.

5. In CWP-3719-2011, learned counsel for the petitioner submits that for the additional point that he wants to submit on behalf of the petitioners, he may be allowed to submit the comprehensive representation, which he undertakes to submit within one month from today and rest of the

directions remain same as in CWP-27430-2018.

6. Writ petitions are disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

03.03.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No