

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CM-11497-2020 in/and
CWP-6837-2018
Date of decision: 11.11.2020

Dinesh Kumar

.....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. S.K. Nehra, Advocate
for the petitioner.

Mr. Ravinder Budhwar, Addl AG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Dinesh Kumar, has filed the present petition *inter alia* with a prayer for issuance of directions to the respondents to allow the petitioner to join on the post of Heavy Vehicle Contract/Daily Wages Basis Drivers, in pursuance to the selection list issued by the respondents (Annexure P-2).

Records of the case show that on 19.03.2018, while issuing notice of motion, the following order was passed:-

“The petitioner competed for selection to the post of Heavy Vehicle Driver, to be hired on contract/daily wage basis, in the BCB category. He was selected and placed at serial No.70, in the list of the selected candidates. A Civil Writ

Petition No.22819 of 2014 (Sanjay Kumar and others Vs. State of Haryana and others), was filed by certain candidates, who too competed for selection, but in the general category, and questioned the selection and consequential appointments. And, post notice of motion, this Court is seized of the matter, which is pending for 1.5.2018. The limited grievance that the petitioner has is; that neither did the petitioners, in the matter referred to above, have assailed the selection of the candidates in the BCB category, nor this Court while issuing notice of motion on 11.11.2014 (Annexure P-4) or even thereafter, stayed the appointments of the selected candidates in the other categories. Thus, it is urged; that though four years have gone by, but still the petitioner has not been offered appointment. Even the notice dated 9.2.2018 (Annexure P-5), the respondents have been served with, has failed to evoke any response.

Notice of motion.

Mr. R.K.Doon, AAG, Haryana, present in Court, accepts notice on behalf of the respondents. Copy furnished.

Learned State counsel prays for a short accommodation.

Adjourned to 6.4.2018.

Written statement, if any, be filed before the adjourned date of hearing with an advance copy to the counsel opposite.”

Thereafter, on 14.05.2019, this Court while issuing directions, passed the following order:-

“The only stand taken by the respondent in the written statement is that the communication was made by the office of respondent No. 3 in the month of May i.e 13.05.2014 and the the Licensing Authority, Nagaland has sent their letter on 19.04.2014 which caused a great suspicion over the

working of the authority as well as on the genuineness of the license of the petitioner.

List on 09.09.2019.

In the meantime, the department shall again verify the license of the petitioner.”

In pursuance to the aforementioned directions dated 14.05.2019, affidavit/Verification Report dated 27.10.2020, has been filed on behalf of Naveen Kumar, General Manager, Haryana Roadways Narnaul. This Verification Report has been filed through CM-11497-2020.

Affidavit/Verification Report dated 27.10.2020 is taken on record and CM stands disposed of accordingly.

In the above said affidavit, *inter alia* it has been stated that the District Transport Office Motor Vehicle Department Wokha, Nagaland, has informed respondent No.3 vide letter dated 24.06.2019, that the license as referred, was issued on 17.09.2009 on the name of Sh. Dinesh Kumar for MC and LMV and endorsed for HGV/PSV Bus and license is valid upto 16.09.2015 (Annexure A-2).

At this stage, learned counsel for the petitioner makes an oral request that the main case is fixed for 16.02.2021, but, in view of the Verification Report, the present Writ Petition can be disposed of.

Prayer made by counsel for the petitioner has not been opposed by counsel for the respondent-State.

Accepting the joint prayer made by counsel for the parties, date in the present petition is preponed from 16.02.2021 to today itself i.e. 11.11.2020 and the main case is taken up on board.

In view of the above facts and circumstances, the present Writ

Petition is disposed of with the following directions:-

- (i) Respondents are directed to issue formal orders taking into account the Verification Report.
- (ii) In the event that the petitioner is given appointment, the Competent Authority would also consider and if found entitled grant him benefits w.e.f. the date, the same were due to the petitioner.
- (iii) Needful be done within a period of one month from today.

Ordered accordingly.

**(GIRISH AGNIHOTRI)
JUDGE**

11.11.2020
anju rani

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