

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

114

CWP-8769-2021

Decided on : 18.08.2021

Ishwar Chand

... Petitioner

Versus

State of Haryana & another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Nonish Kumar, Advocate, for the petitioner.

(The proceedings are being conducted through video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral):-

Challenge in the present writ petition, filed under Articles 226/227 of the Constitution of India, is to the order dated 09.02.2021 (Annexure P-10) whereby the request of the petitioner for absorbing him against a vacant post of Driver and fix/draw his salary as a Driver, has been rejected on the ground that petitioner was appointed as a Process Server.

On the last date of hearing, counsel had taken time to find out whether the appeal would lie under the Haryana Subordinate Courts Establishment (Recruitment and General Conditions of Service) Rules, 1997, before this Court, keeping in view the provisions of the said Rules, especially Rule 14-B(ii) which provide that an appeal would lie against the order of substantive appointment by promotion or otherwise to permanent and pensionable post. Thus, there is alternative and efficacious remedy of appeal available to the petitioner,

Accordingly, in view of the above, the present petition is disposed of, with the aforesaid liberty. Keeping in view the fact that the present petition was filed on 19.04.2021 but only got listed on 23.04.2021 and had not been taken up, thereafter, it would be open to him to file appropriate application for condoning the delay since the time for filing of the appeal is of 45 days of passing of the said order, after exclusion of the period of receipt of the copy being supplied.

**(G.S. SANDHAWALIA)
JUDGE**

AUGUST 18, 2021

Sailesh

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No