

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

CWP-17569-2000 (O&M)

Date of decision: May 25, 2022

Surinder Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.D. Sharma, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 2000 *inter alia*, for issuance of a writ in the nature of Certiorari for quashing the communication dated 14.06.2000 (Annexure P-2) issued by respondent No.2 and communication dated 13.07.2000 (Annexure P-3) issued by respondent No.3, and for issuance of a writ in the nature of Mandamus directing respondents No.1 to 3 to offer appointment to the petitioner from the date his juniors (respondents No.4 to 6) have been appointed as conductors with all consequential benefits.

2. Petition was admitted for hearing on 20.02.2003.

3. When taken up for final adjudication, after around 21 years, there is no representation on behalf of the petitioner. In the premise, no useful purpose would be served to issue fresh notice to the petitioner as the same too would be an exercise in futile.

4. It seems that by sheer effluxion of time and pendency of the writ petition for more than 21 years before this Court, either it has been rendered

infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

5. In any case, it appears that even on merits, claim of the petitioner is not admissible in view of the following stand taken in Paras-2 & 3 of Preliminary Objections of the reply filed by respondents No.1 to 3, which is reproduced herein for ready reference:-

- “2. That as per changed policy of Govt. due to privatization of routes and in public interest there was no possibility of absorption of candidates recruited during the strike period, who were on waiting list, as there was no vacancy during the last $\frac{3}{4}$ years and now there is a complete ban on recruitment. So in view of the changed policy and non-availability of vacant posts of conductors, against which the candidates of waiting list could be absorbed, the Govt. has cancelled the waiting list. The copy of notice and cancellation are annexed as annexure R-1 & R-2. The said waiting list has revived in compliance of the instructions from the Head Office.
3. That the petitioner was selected in waiting list by the screening committee and his name was placed at Sr. No.6 in the waiting list.

It is, pertinent to mention here that waiting list in respect of these candidates (Conductors/ Drivers and Workshop staff) who had worked during the strike period of December 1993 was cancelled. The candidate who were in waiting list pertaining to General Manager, Haryana Roadways, Sirsa filed the C.W.P. in the Hon'ble Court which was disposed off by the Hon'bel Court vide order dated 04.10.2000, in the order dated 04.10.2000 the Hon'ble Court set aside the action of respondents to cancel the aforesaid waiting list and issued the direction to the respondents to revive the same. In compliance of direction of the Hon'ble Court, the Transport Commissioner, Haryana Chandigarh issued the instruction to all the General Managers copy of letter dated 11206-50/A4/E3 dated 18.07.2002 is annexed as annexure R-3. In compliance of these instructions of Transport Commissioner, Haryana Chandigarh the respondent No.3 has withdrawn the order dated 3670/RK dated 13.07.2000 and revived the waiting list vide order dated 11805/RK dated 07.10.2002 copy of order is annexed as annexure R-4.”

6. Learned State counsel has canvassed arguments on the similar lines as the stand taken in the aforesaid written statement.

7. I am in agreement with the stand taken by the respondents as aforesaid. Neither any replication has been filed to the afore-noted stand of the respondents nor any additional affidavit of any kind to controvert the same.

8. In view of the aforesaid, no grounds are made out to interfere.

9. Dismissed.

(ARUN MONGA)
JUDGE

May 25, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No