

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

Date of decision: 17.05.2022

CWP-16756-2017(O&M)

Ram Pal and another

...Petitioners

versus

State of Haryana and others

..Respondents

CWP-22100-2017 (O&M)

Upender Singh

...Petitioner

versus

State Of Haryana And Ors

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Sunil Kumar Nehra, Advocate,
Mr. Dharamveer Singh Phour, Advocate,
For the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Aforementioned two writ petitions are being disposed of vide common order since facts as well as issues involved therein are similar.

2. Issuance of a writ in the nature of mandamus is sought herein directing the respondents to appoint the petitioners on the posts of Driver (LTV) pursuant to the advertisement No.1/2008 dated 07.02.2008 (Annexure P-1). Petitioners are/were in the waiting list of general category as per the result dated 23.04.2013 (Annexure P-4).

3. I have heard learned counsel for the parties and gone through the case file.

4. Having perused the pleadings, the factual position that emerges thus is that indeed the waiting list was prepared by the Commission while declaring the result dated 23.04.2013 (Annexure P-4). Petitioners herein were at No.1 to 3 in the waiting list of the General Category. While on the

one hand, out of the selected candidates three did not join, inasmuch as, one

of them died before his appointment, in one other case driving licence was found to be fake and the third did not join for reasons known to him.

5. It is not disputed that the waiting list in the reserved categories were given effect to and the candidates therein were given the benefit in these cases where the selected candidates in the reserved categories did not join despite being offered the appointment. Likewise, I see no reason as to why the department/Commission ought not to have proceeded with the waiting list in the general category selection. The same was wrongly not done.

6. In order to balance the equities, writ petitions are disposed of with direction to the respondents that, subject to the aforesaid three vacancies being available as on today, the petitioners' case shall be proceeded with in accordance with their merit. As per their names in the waiting list, they shall be offered appointment in accordance with law.

7. Needful exercise be carried out within a period of two months.

8. In case, they are offered appointment as per their position in merit list, they will be put at the bottom of the seniority list with the other candidates who were appointed as a result of the same selection process, but no monetary benefits will be admissible on the principle of '*No Work No Pay.*'

9. A photocopy of this order be placed on the connected case file.

(ARUN MONGA)
JUDGE

May 17, 2022
Vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No