

CWP No. 6302 of 2020 (O&M) and
CWP No. 8197 of 2021

2023:PHHC:150540

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 105+233)

(1)

CM-18375-CWP-2023 in/and
CWP No. 6302 of 2020 (O&M)
Date of Decision : 28.11.2023

Rohtash Kumar and others

...Petitioners

Versus

State of Haryana and others

...Respondents

(2)

CWP No. 8197 of 2021

Pardeep

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.K. Malik, Senior Advocate with
Mr. Kartikey Chaudhary, Advocate for the petitioners
in CWP-6302-2020.

Mr. Karan Singh, Advocate for the petitioner
in CWP-8197-2021.

Mr. Tapan Kumar Yadav, Deputy Advocate General,
Haryana.

Harsimran Singh Sethi J. (Oral)

1. By this common order, two writ petitions, the details of which have been given in the heading, are being decided as both the petitions involve the same question of law on similar facts.

2. In the present petitions, the prayer of the petitioners is that they had competed for the post of Heavy Vehicle Driver as advertised on 18.05.2017 and though, they could not make in the selection list but they were kept in the waiting list in respect of the posts advertised in the category in which they were competing.

3. Learned senior counsel appearing on behalf of the petitioners submits that before the expiry of validity of the waiting list, certain posts had become available as the some candidates did not join the posts in question or some were declared ineligible out of the selection list. Learned senior counsel submits that the posts, which remained vacant, are liable to be filled up as per the Instructions issued by the Government of Haryana from time to time, a copy of which has been appended along with the petition.

4. Learned State counsel submits that keeping in view the reply filed, there are 174 drivers, which are already in excess, hence, the prayer of the petitioners that they should be adjusted is totally arbitrary and illegal.

5. Faced with this situation, learned senior counsel appearing on behalf of the petitioners submits that once the posts were advertised and the same remained vacant, hence, unless and until there is a valid reason, all the posts advertised are to be filled up in accordance with law. Learned Senior counsel submits that petitioners will give the details of the posts, which remain vacant out of the total advertised posts so as to claim that the same are to be filled up from the waiting list in accordance

with law keeping in view the Instructions, which have been issued by the Government of Haryana and the respondents be directed to consider the said representation keeping in view the data, which will be supplied by the petitioners so as to decide as to whether the petitioners are entitled for the grant of appointment in respect of the posts, which have been advertised against which the petitioners have competed.

6. Learned State counsel submits that in case, any representation is filed by the petitioners giving the details that they are entitled for appointment against the posts advertised and the waiting list was in operation upto the date when the post had become available, appropriate order will be passed considering the case of each applicant by passing appropriate speaking order within a period of eight weeks of the receipt of any such claim.

7. Learned senior counsel for the petitioners submits that keeping in view the said statement of learned counsel for the respondents, the present petitions may kindly be disposed of having been not pressed any further with liberty to the petitioners to raise the claim as requested here-in-before.

8. Ordered accordingly.

CM-18375-CWP-2023

Learned senior counsel submits that keeping in view the fact that the main petition has been disposed of, the present application may kindly be disposed of having been not pressed any further.

CWP No. 6302 of 2020 (O&M) and
CWP No. 8197 of 2021

2023:PHHC:150540

4

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

November 28th, 2023
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No