

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

1. COCP-1561-2023 (O&M)

Sonu Hooda @ Sonu and another ...Petitioners

Versus

Navdeep Singh Virk and others ...Respondents

2. COCP-1104-2023 (O&M)

Sanjay Kumar ...Petitioner

Versus

Navdeep Singh Virk and another ...Respondents

Date of decision : 14.07.2023

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. K. Nehra, Advocate and
Mr. Chanderhas Yadav, Advocate
for the petitioner(s).

Mr. Harsh Vardhan Shehrawat, AAG, Haryana with
Mr. Vikas Chaudhary, O/o Director, State Transport, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners are alleging violation of the order dated
09.10.2018, passed by this Court in CWP-14326-2017 and other connected
writ petitions, vide which, the following directions were issued:

“In view of the above discussion, the impugned
rejection order dated 15.07.2014 (Annexure P-13) is set
aside and the official respondents i.e. Director General,

Transport Department, Haryana & Staff Selection Commission, Haryana, are directed to appoint the petitioners as conductors notionally from the date when the petitioners in Sunil Kumar's case (supra) have been appointed as Conductors, as per their merit in the waiting list keeping in view the judgments passed in Garima Jindal's case (supra) as well as instructions dated 02.07.2010 & 23.05.2014.

All the petitions i.e. CWP Nos.14326, 13461, 15418, 15013, 14082, 14235, 14081, 14080, 16394, 27488 of 2017 and 12705 of 2018 are allowed accordingly.”

Thereafter, the State filed LPAs, however, the same were dismissed, vide order dated 22.12.2022 passed in LPA-548-2019 and other connected appeals. The operative part of the order reads as under:

“16. In the present case as noticed above the State itself was operating the wait list in pursuance of the directions issued by this Court, which was to be done as per the merit. Having failed to do so the writ petitioners who were higher in merit are entitled for appointment which was rightly directed by the learned Single Judge and, thus, the order of the learned Single Judge does not suffer from any infirmity.

17. Resultantly, there is no merit in the present appeals and the same are dismissed.”

Learned counsel for the petitioners submit that despite the aforesaid directions, the appointment letters have not been issued to the petitioners.

Separate compliance affidavits have been filed by the Director, State Transport, Haryana in both the cases, wherein it is stated that the directions were issued by this Court that the appointment is to be as per merit. It is further stated that petitioner Sonu Hooda is at Sr. No. 107 in the waiting list and petitioner Sanjay Kumar is at Sr. No. 159, whereas the last candidate, who has been appointed, is at Sr. No. 99, therefore, the petitioners, in terms of order dated 09.10.2018, could not be given appointment as they are down below the last candidate in the merit list, who has been appointed.

In view of the above, finding no case of any willful disobedience, the present petitions are dismissed.

Rule stands discharged.

Let a photocopy of this order be placed on the file of other connected case.

14.07.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No