

CM-19818-CWP-2023 in/and
CWP-15158-2022 and connected case

2023:PHHC:150634

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.

Date of Decision : 28.11.2023
CM-19818-CWP-2023 in/and
CWP-15158-2022

Parmod Kumar

...Petitioner

Versus

Haryana Staff Selection Commission and others

...Respondents

2.

CM-19819-CWP-2023 in/and
CWP-15168-2022

Manish Kumar

...Petitioner

Versus

Haryana Staff Selection Commission and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Samrat Malik, Advocate and
Mr. Kartikey Chaudhary, Advocate
for the applicant-petitioner(s).

Mr. Tapan Kumar Yadav, D.A.G., Haryana.

Harsimran Singh Sethi J. (Oral)

CM-19818-CWP-2023 and CM-19819-CWP-2023

Learned counsel for the applicant-petitioner submits that the above writ petitions were dismissed on 03.11.2023 keeping in view the judgment passed in SLP (Civil) No. 12441 of 2022 but the said statement was made by the counsel without going through the judgment of the Hon'ble

Supreme Court of India in SLP (Civil) No. 12441 of 2022 titled as ***Sudhir Singh and others Vs. State of U.P. and others***, decided on 30.10.2023, whereas the applicant-petitioner intends to distinguish the said judgment from the present case, hence, the said undertaking given by the counsel may kindly be allowed to be withdrawn and the writ petition be disposed of on merits.

Notice of the applications to counsel for the respondents.

Mr. Tapan Kumar Yadav, learned Deputy Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and raises no objection for the grant of prayer as made in the application.

Keeping in view the above, the application is allowed and the order dated 03.11.2023 is recalled and writ petition is taken up for hearing today with the consent of the parties

Main Cases

In the present petition, the grievance being raised by the petitioner is that he is eligible to compete in the Category of Ex-servicemen for the post of Clerk, which benefit has wrongly been denied to him in the revised merit list prepared.

Learned counsel for the respondents submits that by placing reliance upon the judgment of the Hon'ble Supreme Court of India in SLP (Civil) No. 12441 of 2022 titled as ***Sudhir Singh and others Vs. State of U.P. and others***, decided on 30.10.2023, this Court while passing order in CWP No. 20552 of 2022 titled as ***Lt. Col. Manish Gupta and another Vs. State of Haryana and another***, has already dealt with the same arguments and have rejected the same, hence, the question of law raised in the present petition is covered against the petitioner.

Learned counsel for the petitioner concedes that the arguments being raised by the petitioner have already been dealt with while passing order in ***Lt. Col. Manish Gupta's case (supra)*** and claim of the petitioner as raised in this petition is covered against him as per ***Lt. Col. Manish Gupta's case (supra)***.

Keeping in view the above, as learned counsel for the petitioner has not been able to rebut the fact that the question of law raised in the present petition has already been covered against the petitioner keeping in view the order passed in ***Lt. Col. Manish Gupta's case (supra)***, the present petition is also dismissed in terms of the order passed in ***Lt. Col. Manish Gupta's case (supra)***.

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

November 28th, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No