

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

107

LPA-777-2023 (O&M)

Date of Decision: 02.11.2023

Dr. Ashok Kumar Yadav

... Appellant

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MS.JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE AMAN CHAUDHARY**

Present: Mr.SP Yadav, Advocate for the appellant

Mr. Deepak Balyan, Addl. AG Haryana

AMAN CHAUDHARY, J.

CM-2000-LPA-2023

For the reasons stated in the application, delay of 23 days is hereby
condoned, subject to all just exceptions.

Main appeal

1. The present intra-Court appeal, under Clause X of the Letters Patent has been filed challenging the judgment dated 12.05.2022, whereby the civil writ petition preferred by the appellants came to be dismissed.
2. Learned counsel for the appellant would submit that the action of respondents in not giving benefit of rural area service to him and selecting candidates for the post of H.C.M.S.-II without experience was unjustified, however, the learned Single Judge without properly considering the plea dismissed the petition. As a matter of fact, his case in the alternative should have also been directed to be considered for regularisation of his services as per the policy, Annexure P-5, which has been ignored while deciding the case.

3. Opposing the aforesaid, learned State counsel submits that the prayer made by the appellant in the writ is misconceived, inasmuch as, the instructions for grant of regularisation dated 07.03.1996 had already been withdrawn on 08.12.1997, in view of the judgment of Hon'ble The Supreme Court in **P. Ravinderan vs. Union Territory of Pondicherry**, (1997) 1 SCC 350, deprecating the practice of regularisation of services of adhoc employees as a substitute for appointees recommended by the Public Service Commission. As far as his rural service is concerned, the same was taken into consideration, therefore, he is not entitled to any relief.

4. Heard learned counsel on both sides.

5. It would be apposite to refer to relevant paras of the written statement dated 10.09.1999 filed on behalf of Haryana Public Service Commission, which read thus:

“11. That para 11 of the writ petition is wrong and hence denied. While assessing the qualifications and experience certificate of the petitioner, the Commission has considered the Rural area Experience Certificate of the petitioner. However, he was not found fit and suitable for selection to the post of Medical Officer H.C.M.S. Class-II. It has been wrongly alleged by the petitioner that Rural Area Experience was not considered by the Commission while considering his over all performance at the time of interview.

12. That para 12 of the writ petition does not relate to the answering-respondent. However, Rural Area Experience of the petitioner was considered by the Commission while assessing the over all performance of the petitioner at the time of the interview. He was not selected at the time of the interview. He was not selected as he was not found fit and suitable.”

6. From the aforesaid, it thus transpires that the rural service rendered by the appellant was, as a matter of fact duly taken into consideration by the Commission, on his having applied in response to an advertisement of July, 1998 for the post of H.C.M.S.-II, however, still he was unable to make it to the merit list.

7. Notably, the policy dated 07.03.1996, as relied upon by the appellant, itself having been withdrawn by the Government vide letter dated 08.12.1997 with retrospective effect, in view of the judgment of Hon’ble the Supreme Court in **P. Ravinderan** (supra), no benefit therefrom could inure to him.

8. On the aforesaid premise, this Court finds no merit in the present appeal. As such, the same is hereby dismissed.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

02.11.2023
gsv/mkk

Whether speaking / reasoned: YES / NO
Whether Reportable: YES / NO