

CM-19458-CWP-2023 ;
CM-19459-CWP-2023 in/and
CWP-6140-2010

2023:PHHC:146809

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(101)

CM-19458-CWP-2023 ;
CM-19459-CWP-2023 in/and
CWP-6140-2010
Date of Decision : 20.11.2023

Shamsher Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Bikram Chaudhary, Advocate for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

CM-19459-CWP-2023

Present application has been filed for fixing the writ petition to an early actual date of hearing as the writ petition was adjourned sine-die to await the decision in civil suit filed by respondent No. 5.

Learned counsel for the petitioner submits that the civil suit filed by respondent No. 5 has been dismissed, hence, his petition may kindly be heard and fixed to an early actual date of hearing.

Notice of the application to the counsel opposite.

Mr. Pankaj Middha, learned Additional Advocate General, Haryana, who is present in court, accepts notice on behalf of respondent-State and raises no objection for the grant of prayer as raised in the present application.

Keeping in view the above, application is allowed and the writ petition is taken up for hearing today.

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Application is allowed, as prayed for.

CWP-6140-2010

1. In the present petition, the challenge is to the appointment of respondent No. 5 to the post of Conductor.
2. As per the averments made in the petition, challenge is to the selection and appointment of respondent No. 5 in the reserved category of Schedule Caste on the ground that reserve category certificate submitted by respondent No. 5 is bogus.
3. Learned counsel for the petitioner submits that after verification, the Schedule Caste Certificate issued to the petitioner was withdrawn and respondent No. 5 challenged the said action by filing a civil suit. Learned counsel for the petitioner argues that at the time when the petitioner filed the present petition challenging the appointment of respondent No. 5, the said civil suit filed by respondent No. 5 was pending and the present petition was adjourned sine-die to await the decision of the said civil suit.

4. Learned counsel for the petitioner submits that the said civil suit filed by respondent No. 5 has already been dismissed and even the appeal filed by respondent No. 5 has also been dismissed and the action of the department has been upheld in withdrawing the reserve category certificate and consequent appointment of the respondent No. 5 as the Schedule Caste Certificate issued in favour of respondent No. 4 has already been withdrawn.

5. Learned counsel for the petitioner submits that keeping in view the said factual position, the respondents are under obligation to pass appropriate order as to whether, respondent No. 5 can be allowed to continue in service and whether, petitioner is also entitled for the grant of appointment after withdrawing the same from respondent No. 5 as the petitioner is next in merit in the reserved category of schedule caste.

6. Learned State counsel submits that in case no decision has been taken by the respondents after the decision of the civil suit filed by respondent No. 5, appropriate decision qua the appointment of respondent No. 5 will be taken within a period of eight weeks of the receipt of copy of this order and in case, any order is to be passed qua the appointment of respondent No. 5 as to whether the same is valid or not, keeping in view the facts and circumstances, which have already come on record, appropriate order will be passed. Further, the claim of the petitioner to grant him the appointment will also be considered and

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appropriate order on the said claim will also be passed within the time period as stated here-in-before.

7. Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel, no grievance of the petitioner survives and the present petition may kindly be disposed of having been not pressed any further.

8. Ordered accordingly.

November 20th, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No