

103.

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP-20307-2021

Date of Decision: 10.01.2023

DHARAM PAL AND OTHERS

.... Petitioners

Versus

STATE OF HARYANA AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Sukriti Kaur, Advocate, for
Mr. Anil Mehta, Advocate, for the petitioners.

Mr. Anant Kataria, DAG, Haryana.

Mr. Dushyant Sharan, Advocate,
for respondents No.2, 3 and 6.

JAISHREE THAKUR.J (Oral)

The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the official respondents to allow the petitioners to join in view of the offer letters dated 27.05.2021 which are in consonance with the directions issued by the Chief Secretary to Government of Haryana and the orders passed by this Court.

It is submitted that the petitioners herein had applied under the advertisement for appointment to the post of Shift Attendant under EBPG category and cleared the written examination which was conducted. They were called for scrutiny of documents; verification and thereafter for interview. However, they were not offered appointment on account of the

fact that various writ petitions had been filed in this Court challenging the action of the government in giving reservation to EBPB category candidates, one of the writ petition being CWP No.7607 of 2019. Since the other matters were pending before the Hon'ble Apex Court in Special Leave Petition No.23544-47 of 2016 raising identical questions in respect of vertical reservation given to Economically Backward Persons in General Category, those matters have been adjourned to await the decision therein.

The petitioners herein are successful candidates whose names find mention in the list of selected candidates under EBPB category for appointment to the post of Shift Attendant and recommendation for their appointment stands made by the Haryana Staff Selection Commission on 30.11.2019. Several persons were allowed to join with a pre-condition that their appointment is subject to the final outcome of the SLP (Civil) No.23544-23547 of 2016 titled as *State of Gujarat and others Versus M/s Dulari Mahesh Basarge and another* pending before the Hon'ble Supreme Court in EBPB candidates.

Learned counsel appearing on behalf of the petitioners herein would contend that despite others, who were successful under the EBPB category and have been offered appointment with the aforesaid undertaking, the same consideration is not being afforded to the petitioners herein.

Notice of motion was issued in the matter and pursuant thereto, appearance has been caused on behalf of the respondents. Stand of the Haryana Staff Selection Commission is that the petitioners were successful candidates and their names find mention in the final select list and recommendations for their appointment has already been made, whereas that

of the Corporation is that offer of joining though had been issued, however, the petitioners were not permitted to join on account of pendency of SLP wherein final decision is to be taken regarding the issue of reservation under the EBPG category.

Counsel appearing on behalf of respondents No.2, 3 and 6, at this stage, on instructions from the Managing Director of UHBVN, would submit that the petitioners herein would be permitted to join subject to their furnishing an undertaking that they would be bound by the outcome of aforesaid SLP as in that eventuality, the petitioners would be bound by the undertaking and may not raise any grievance thereafter.

I have heard learned counsel for the parties and in view of the fact that similarly situated persons have already been permitted to join, the petitioners herein will furnish an undertaking with the respondent department within a period of two weeks on receipt of a certified copy of this order and then would be permitted to join subject to the undertaking furnished and they would be bound by the same.

The writ petition is disposed of accordingly.

(JAISHREE THAKUR)
JUDGE

10.01.2023

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No