

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-28856 of 2019 (O&M)
Date of decision: 24.03.2023

Neeru Bala

..Petitioner

Versus

State of Punjab and others

..Respondents

CWP-29515 of 2019 (O&M)

Harmandeep Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Gurminder Singh, Senior Advocate, with
Mr. Dilpreet Singh Gandhi, Advocate and
Mr. Gurnoor Sandhu, Advocate,
for the petitioner(s) (in both the cases)

Mr. D.S. Patwalia, Senior Advocate, with
Mr. Gaurav Rana, Advocate and
Ms. Sehar Navjeet Singh Sandhu, Advocate
for the applicant.

Mr. R.K.Kapoor, Addl.A.G., Punjab

Mr.A.S.Manaise, Advocate
for respondent no.6 (in CWP-28856 of 2019)

Mr. Sunil Agnihotri, Advocate
for respondent no.4 and 7 (in CWP-28856 of 2019)

ANIL KSHETARPAL, J(Oral)

1. These two connected Civil Writ Petitions bearing no.28856 and 29515 of 2019 have come up for final disposal.
2. Though, the petitioner sought appointment on the basis of the

original merit list, while challenging the decision of the Government to prepare a revised result based on the revised answer key, however, the learned senior counsel representing the petitioner submits that the Director, Prosecution has sought permission of the Public Service Commission/Competent Authority with respect to four additional vacancies which have come into existence after the recruitment notice was issued over and above the original advertised vacancies. Para 2 to 5 of the letter dated 19.12.2019 are extracted as under:-

2. Under the above reference letter, the Government has issued the notification for the recruitment of 42 Assistant District Attorney out of which 6 candidates has not joined the duty on the post of Assistant District Attorney. For the appointment of these 6 posts of Assistant District Attorney, the proposal has been sent to the government under the reference letter dated 19.12.2019.

3. It is relevant to mention here that with regards to the abovesaid recruitment, two candidates mentioned at Sr. No.40 and 41 of the merit list namely Sh. Harmandeep Singh and Neeru Bala have filed CWP No.29515 of 2019 Harmandeep Singh Vs. Punjab State and others and CWP No.28856 of 2019 - Neeru Bala Vs. Punjab State & others before the Hon'ble Punjab and Haryana High Court and in which the Hon'ble High Court has passed the order to keep reserve two posts of the general category.

4. At this time in this department there is severe need of law officers. After the issuance of advertisement on 24.10.2017 regarding the abovesaid recruitment and after being kept reserved of two posts as per the order of Hon'ble Punjab and Haryana High Court, there are 4 approved posts (general category) of District Attorney

are lying vacant at this time.

5. Under the reference vide letter dated 19.12.2019, this department has sent the proposal to the Government for the consideration of the names of candidates mentioned in the merit list upto Sr. No.37 for the post Assistant District Attorney. As such now there is a proposal against abovesaid posts the candidates mentioned at Sr. No.38, 39, 40 and 41 of the merits list and in this regard the proposal is under consideration to submit a statement from the Government before the Hon'ble Punjab and Haryana High Court in the abovesaid writ petitions and in case the Hon'ble Court pass the order to appoint these candidate against the abovesaid posts then the candidates mentioned at Sr. No.38, 39, 40 and 41 can be appointed on the post of Assistant District Attorney.”

3. The learned senior counsel representing the petitioner submits that the petitioner shall be satisfied, if the government is directed to take an action on this communication which is pending consideration with the government.

4. Sh. Patwalia, the learned senior counsel submits that the private respondents are amongst the select list prepared for the appointment on the basis of originally notified vacancies and on account of interim order their appointments have been stayed. He submits that the permission sought to fill in additional vacancies shall not cover the case of the private respondents.

5. Sh. Kapoor, Additional Advocate General, Punjab, has no objection to the course proposed by the learned senior counsel representing the petitioner. He submits that the government shall take a final decision on

the aforesaid proposal within a period of 2 months, from today, positively.

6. While disposing of the writ petitions, it is clarified that the interim order reserving seats for the petitioner(s) from the select list shall stand vacated and the government will be entitled to proceed even in absence of decision on the additional vacancies.

7. With these observations, the writ petitions are disposed of.

8. All the pending miscellaneous applications, if any, are also disposed of.

March 24, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No