

CWP No.18369 of 2017

[1]

2023:PHHC:037462

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

116+257

**CWP No.18369 of 2017 (O&M)
Date of decision:09.03.2023**

... Petitioner

Ajaib Singh

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Inder Pal Goyat, Advocate
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

SUVIR SEHGAL, J. (Oral)

C.M.No.3893 of 2023

Application is allowed as prayed for.

Annexures A-1 to A-4 are taken on record.

CWP No.18369 of 2017

Petitioner has approached this Court under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to consider his claim for appointment to the post of Conductor against the posts which have been remained vacant due to non-joining of selected candidates.

Advertisement No.3 of 2009 was issued inviting applications for 3837 posts of Conductors, out of which 1094 posts were earmarked for General Category and 267 posts were meant for ESM (General) Category.

The petitioner, who was an applicant in the General category, successfully cleared written test and was called for interview. His roll number was shown amongst the waitlisted candidates in the result declared on 01.02.2012 (Annexure P-2). Grouse of the petitioner is that despite the fact that number of posts have remained vacant, respondents have not filled them, from the candidates in the waiting list.

Upon notice, response has been filed on behalf of official respondents, wherein, it has been *inter alia* submitted as under:-

“3. That on the similar cause of action various writ petitions i.e. CWP No.13461/2017, 14080/2017, 14081/2017, 14082/2017, 14235/2017, 14326/2017, 15013/2017 & 16394/2017 were filed by the persons who were also in the waiting list, as in the case of the petitioner before this Hon'ble High Court and the present writ petition was also ordered to be heard alongwith CWP No.13461 of 2017 vide order dated 04.12.2017 of this Hon'ble High Court. It is pertinent to mention that CWP No.13461 of 2017 and clubbed petitions were relating to advertisement No.3/2009 dated 28.02.2009 issued by respondent No.3 for selection of the conductors of the Transport Department. However, CWP No.13461 of 2017 and other writ petitions have been decided vide order dated 09.10.2018 of this Hon'ble High Court.”

I have heard counsel for the parties.

Concededly, claim of the petitioner as per the written statement is covered by a judgment dated 09.10.2018 (Annexure A-2) passed by Coordinate Bench of this Court in CWP No.14326 of 2017 titled as '**Sombir and others Vs. State of Haryana and others**'. LPA No.548 of 2019 preferred by the State challenging the judgment has been dismissed by a Division Bench of this Court, vide judgment dated 22.12.2022 (Annexure A-4).

In view of the above, writ petition is disposed of in the same terms as CWP No.14326 of 2017.

March 09, 2023

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No