

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(237)

CWP No. 2646 of 2021
Date of Decision : 16.04.2024

Sunil Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ravinder Singh Dhull, Advocate for the petitioner.

Mr. Harish Rathee, Senior Deputy Advocate General,
Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that he competed for the post of Medical Officer as advertised in the year 2014. In the final list, the petitioner was not selected and one Dr. Saransh Ahlawat was appointed. The petitioner challenged the appointment of Dr. Saransh Ahlawat by filing CWP No. 3662 of 2015 and this Court allowed the said writ petition vide order dated 13.11.2018 (Annexure P-1) and set-aside the appointment of Dr. Saransh Ahlawat and directed that the petitioner be considered as per merit from the waiting list in accordance with law.

2. In pursuance to the said direction, the petitioner was appointed on 12.07.2019. The grievance of the petitioner is that he is entitled for appointment on the said post from the date Dr. Saransh Ahlawat was appointed though, notionally.

3. Learned counsel for the respondents, on the other hand, submits that there was no direction given by the Court while allowing CWP No. 3662 of 2015 that the petitioner is to be appointed retrospectively, hence, petitioner has been prospectively appointed on the post in question, hence, no grievance can be raised.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. Once, this Court has held that the appointment of Dr. Saransh Ahlawat was bad and his appointment was set-aside with the further direction that against the post vacated by Dr. Saransh Ahlawat, the petitioner should be considered for appointment from the waiting list, the respondents are under an obligation to grant the petitioner the benefit of appointment from the date Dr. Saransh Ahlawat was granted otherwise, grievance of the petitioner will survive.

6. Nothing has come on record that as to why the petitioner cannot be appointed from the date Dr. Saransh Ahlawat was granted appointment, especially when the post vacated by Dr. Saransh Ahlawat is being extended to the petitioner for appointment.

7. Keeping in view the above mentioned facts, the present writ petition is allowed. The respondents are directed to appoint the petitioner from the date Dr. Saransh Ahlawat was appointed. His pay and other allowances be fixed notionally from the said date. The arrears will be paid starting from the filing of the present writ petition as the petitioner has undertaken before this Court that he will not claim arrears upto the filing of the writ petition.

Let the order be complied with within a period of eight weeks from the date of receipt of copy of this order.

April 16th, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No