

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106)

CWP-2428-2024 (O&M)

Date of Decision : March 07, 2024

Kuldeep

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Parmender Singh, Advocate, for the petitioner.

Mr. Sandeep Singh Mann, Addl. A.G., Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-4041-CWP-2024

As prayed for, the application is allowed.

Annexures P-8 and P-9 are taken on record.

CWP-2428-2024

1. In the present writ petition, the grievance of the petitioner is that though the petitioner has already been given appointment order of deployment for the post of Radiographer (Technician) but the petitioner is not being allowed to join the service, which grievance was raised by the petitioner while filing CWP No.23495 of 2023 which was disposed of by this Court on 17.10.2023 by directing the respondents to decide the claim of the petitioner as to why, he is not being allowed to join the duties once the deployment order dated 12.02.2024 (Annexure P-8) has already been issued by the Haryana Rozgar Kaushal Nigam.

2. Learned counsel for the petitioner submits that now vide order dated 16.12.2023 (Annexure P-6), his claim has been rejected on the ground that the petitioner is not having the qualification required for the post in question whereas, the qualification mentioned in the impugned order dated 19.12.2023 (Annexure P-7) are contrary to the qualification which have been prescribed for the post under the Haryana Health Department Para-Medical and Miscellaneous Posts (Group C) Service Rules, 1998.

3. Learned counsel for the petitioner further submits that the petitioner fulfils the qualification mentioned in the 1998 Rules and that is why, he was given the deployment order but while considering the Rules which do not govern the service, his claim has been rejected so as to allow him to join the duties in pursuance to the deployment order dated 19.12.2023 (Annexure P-7).

4. Notice of motion.

5. Mr. Sandeep Singh Mann, learned Additional Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondents.

6. Learned counsel for the respondents, keeping in view the instructions received, submits that the order dated 19.12.2023 (Annexure P-7) may kindly be treated as withdrawn with liberty to pass a fresh order on the representation of the petitioner by taking into consideration the 1998 Rules. Learned counsel for the respondents further submits that in case the petitioner fulfils the qualification mentioned under the rules governing the service qua the post in question, he will be immediately allowed to join the duties in pursuance to the deployment order and appropriate order in this regard will be passed within a period of four weeks of the receipt of copy of this order.

7. Learned counsel for the petitioner submits that as the impugned order has already been withdrawn and the respondents have undertaken to pass a fresh order in accordance with law keeping in view the qualification required to be passed by a candidate as per rules governing the service qua the post in question, the present writ petition has been rendered infructuous and the same may kindly be disposed of having been not pressed any further.

8. Ordered accordingly.

March 07, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No