

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

258

CWP-9116-2023 (O&M)
Date of Decision :21.02.2024

Keshav Saini

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Himanshu Sharma, Advocate for the petitioner.

Mr. Tapan Kumar Yadav, DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. Learned counsel for the petitioner submits that the question of law raised in the present petition has already been answered by this Court while passing order in **CWP-9097-2023 titled as Sachin and another vs. State of Haryana and others decided on 21.12.2023** and the present petition may kindly be disposed of in the same terms.

2. Learned counsel for the respondents submits that though, issue raised in the present petition and in the case of **Sachin (supra)** is same but in the present petition, nothing has come on record that after the claim of ex-serviceman for the post of Laboratory Technician , claim of dependent of ex-serviceman or the freedom fighter was considered, which is to be considered against the post of ex-serviceman, which remained vacant.

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

4. Once the issue raised in the present petition and in the case of *Sachin (supra)* is same, present petition needs to be disposed of in the same terms.

5. Qua the argument of the learned counsel for the respondents that post of ex-serviceman (BCB), which remained vacant is to be first offered to the dependent of ex-serviceman and then to freedom fighter and it cannot be transferred to the main category of BCB without following the said process.

6. Learned counsel for the respondents submits that there is no waiting list for the post of Laboratory Technician of any dependent of ex-serviceman and there is no freedom fighter available in the present case. That being the factual position, argument being raised by the respondents is that against the post of ex-serviceman (BCB), claim of the dependent of ex-serviceman or freedom fighter as the case may be is to be considered first, cannot be made applicable in the facts and circumstances of the present case.

7. With the above said observations, which are to be treated as part of this order, present petition is disposed of in terms of order passed by this Court in the case of *Sachin (supra)*.

February 21, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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