



CM-9339-CWP-2024 in/and CWP-9702-2020 (O&M) & connected cases	1
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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**(130-A+228) CM-9339-CWP-2024 in/and
CWP-9702-2020 (O&M)
Date of Decision : May 29, 2024**

Sujata Rani and others .. **Petitioners**

Versus

State of Haryana and others **.. Respondents**

(2) **CWP-10002-2020**

Aalekh Gupta and others .. **Petitioners**

Versus

State of Haryana and others .. Respondents

(3) CWP-10059-2020

Bijender Singh .. Petitioner

Versus

State of Haryana and others .. Respondents

(4) CWP-10255-2020

Chandrakala and others .. **Petitioners**

Versus

State of Haryana and others .. Respondents

(5) **CWP-10363-2020**

Komal Rani and others .. **Petitioners**

Versus

State of Haryana and others .. Respondents



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(6)	CWP-11948-2020	
Mahesh Kumar		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(7)	CWP-12335-2020	
Priya		.. Petitioner
	Versus	
State of Haryana and others		.. Respondents
(8)	CWP-17752-2019 (O&M)	
Ashu Garg and others		.. Petitioner
	Versus	
State of Haryana and another		.. Respondents
(9)	CWP-22773-2020	
Rajesh Kumar and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents
(10)	CWP-9629-2020	
Mahak and others		.. Petitioners
	Versus	
State of Haryana and others		.. Respondents



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(11) CWP-9630-2020

Nikhil Kumar and others .. Petitioners

Versus

State of Haryana and others .. Respondents

(12) CWP-9642-2020

Pankaj Bansal and others .. Petitioners

Versus

State of Haryana and others .. Respondents

(13) CWP-9643-2020 (O&M)

Manish Kumar Kalra and others .. Petitioners

Versus

State of Haryana and others .. Respondents

(14) CWP-9736-2020 (O&M)

Narender Kumar and others .. Petitioners

Versus

State of Haryana and others .. Respondents

(15) CWP-9849-2020

Narender Sharma and others .. Petitioners

Versus

State of Haryana and others .. Respondents



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CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. R.K. Malik, Senior Advocate, with
Mr. Sunil Kumar Nehra, Advocate,
Mr. Viren Nehra, Advocate and
Mr. Suryaveer Singh Surejwala, Advocate, for the petitioners
in CWP-9702-2020, CWP-10002-2020, CWP-10363-2020,
CWP-11948-2020, CWP-22773-2020, CWP-9629-2020
CWP-9630-2020, CWP-9642-2020, CWP-9643-2020, and
CWP-9736-2020.

Mr. Lupil Gupta, Advocate, with
Mr. Satish Kumar, Advocate, for the petitioner
in CWP-12335-2020.

Mr. Dalbir Singh, Advocate, for the petitioners
in CWP-10059-2020.

Mr. Vikas Malik, Advocate with
Ms. Komal Balain, Advocate, for the petitioners
in CWP-10255-2020 and CWP-9849-2020.

Mr. Karan Garg, Advocate, for the petitioners
in CWP-17752-2019.

Mr. Baldev Raj Mahajan, Advocate General, Haryana with
Ms. Shruti Jain Goyal, Sr. DAG, Haryana.

Mr. Hitesh Pandit, Advocate, with
Ms. Nikita Goel, Advocate and
Mr. Divyansh Shukla, Advocate, for respondent-Nigam.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-9339-CWP-2024 in CWP-9702-2020

Present application has been filed for impleading the applicant
Yudhvir Singh Rathee son of Sh. Suresh Kumar, R/o VPO Gaddi Kheri,
Tehsil and District Rohtak as petitioner No.6.

Keeping in view the averments made in the application, which
are duly supported by an affidavit, present application is allowed. Yudhvir
Singh Rathee son of Sh. Suresh Kumar, R/o VPO Gaddi Kheri, Tehsil and
District Rohtak is impleaded as petitioner No.6 in the present petition and



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the amended memo of parties attached with the present application is taken on record.

CWP-9702-2020 and other connected cases

1. By this common order, 15 writ petitions, the details of which have been given in the heading, are being disposed of as all these petitions involve the same question of law on similar facts.

2. It may be noticed that on the basis of an order passed by this Hon'ble Court in CWP No.17619 of 2019, the revised merit list for the post of Lower Division Clerk as advertised vide Advertisement No.3 of 2016 was prepared, whereby, certain candidates who were selected and appointed, ousted from the selection zone and their services were sought to be terminated.

3. Learned counsel for the petitioners submits that keeping in view the interim order granted, the petitioners are continuing on the post in question as of now.

4. Learned counsel for the petitioners further submits that all 964 advertised posts have not been filled up and there are posts which are lying vacant and the petitioners can be accommodated against the said vacant posts. Learned counsel for the petitioners further submits that all 964 posts were not filled up and some of the selected candidates have been selected against more than one post and they have joined the other post leaving vacant the post of Lower Division Clerk on which the petitioners were working and once the petitioners have already worked for a period of five years, they should not be thrown out and should be adjusted against the



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advertised posts which are lying vacant as of now.

5. Reliance is being placed upon the judgment of the Coordinate Bench of this Court in ***CWP No.12835 of 2012 titled as Sahil Aggarwal vs. State of Punjab and others, decided on 26.04.2014.***

6. Learned Advocate General, Haryana very fairly submits that the Corporation does not have any objection in filling up the advertised posts and their only endeavor is that they should not be made to fill up the post beyond advertised posts for which, the Corporation is not liable. Learned Advocate General, Haryana further submits that in case, the petitioners had been selected in the initial result and were appointed and are working on the post in question as of now, they have all the sympathies for them but the revised merit list for the post in question has also been prepared keeping in view the order passed by this Court and the Corporation had no option but to revise the result for the post in question, which has led to the declaration that certain candidates, who had higher merit than the petitioners and were eligible so as to be appointed for the post in question in preference to the petitioners, have been selected for the post in question in the revised merit list which was issued by the respondent-Commission.

7. Learned Advocate General, Haryana further submits that in case, any of the 964 advertised post of Lower Division Clerk is lying vacant and the petitioners who are already working with the Department, who joined in pursuance to the initial merit list, they will be accommodated as per their revised merit against the said vacant posts subject to their eligibility so that they do not suffer any prejudice in life.



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

9. It is a conceded fact that the petitioners were selected and appointed in pursuance to the initial merit list prepared by the respondents themselves and as of now, they are working for the last more than five years.

10. The argument which has been raised by the learned counsel for the petitioners is that once, all 964 posts have not been filled up and they are lying vacant, the petitioners should be adjusted against those vacant post of 964 posts advertised so that the petitioners do not suffer any prejudice. The said prayer of the petitioners is genuine.

11. The petitioners were selected in the initial merit list issued by the respondents themselves. The petitioners were appointed and are working on the post in question. Once, the petitioners have worked for sufficiently long time, which is beyond the clearing of the probation period also, coupled with the fact that all 964 posts advertised have not been filled up, the respondents are directed to consider the claim of the petitioners as per their merit in the revised merit list against those vacant posts so as to be adjusted even if, the petitioners have come down in the revised merit list.

12. As the writ petition filed, in pursuance to which the revised merit list was prepared and the petitioners who are being ousted on the basis of revised merit list, are being decided together but by a speaking order, it is clarified that the petitioners in these petitions will only be considered for appointment/adjustment against the posts which are lying vacant out of the



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total advertised posts only and as per their merit in the revised merit list.

13. Keeping in view the above, the present petitions are disposed of with a clear direction that the total number of posts advertised i.e. 964 will be filled up and not beyond and for filling up the posts, the revised merit list will be taken into consideration. The petitioners in all the petitions will be considered for appointment on the basis of the revised merit list against the posts lying vacant out of total advertised posts or will be allowed to continue in case, already working in pursuance to the initial merit list, in case they are accommodated against the vacant post, i.e. the post of Lower Division Clerk which could not be filled up out of total 964 posts advertised.

14. However, it may be noticed that in case, any of the petitioner is not adjusted, the same will not preclude the said candidate to avail appropriate remedy for the redressal of their grievance in case, if any permissible under law.

15. As certain petitioners are continuing under the orders of the Court keeping in view their initial appointment, till the said exercise is completed by passing an appropriate order, the interim order to allow them to continue in service, will continue.

16. However, the adjustment will only be done of the petitioners who are yet to be appointed or are already working in pursuance to the initial merit list subject to the fulfillment of the eligibility criteria to be appointed on the post in question qua 964 posts of Lower Division Clerk.

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17. Any civil miscellaneous application pending if any, also stands disposed of.

18. A photocopy of this order be placed on the file of other connected cases.

May 29, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No