



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(206)

CWP No. 13596 of 2024

Date of Decision : 06.06.2024

Naveen Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nikhil Goyal, Advocate for the petitioner.

Mr. Shivendra Swaroop, Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. On 31.05.2024, the following order was passed by this Court :-

“Learned counsel for the petitioner argues that the petitioner was selected for the post of Clerk in pursuance to the Advertisement No. 5 of 2019 and was appointed and thereafter, keeping in view the directions given by this Court in CWP No.15672 of 2021, the merit list for the post of Clerk was revised and the petitioner was again selected in the revised merit list however, the petitioner’s services have been dispensed with without any valid justification. Learned counsel for the petitioner submits that the candidates who could not make the cut in revised merit list, are still continuing in service whereas, the candidates like the



petitioner, are begging for the job which otherwise is their rightful entitlement.

Notice of motion.

Mr. Harish Nain, learned Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondents.

Learned counsel for the respondents submits that the claim of the petitioner is under active consideration and is pending consideration for the grant of appropriate approval by the Finance Department.

Prima facie, the petitioner has a right to hold the said post being a selected candidate in both the merit list. There is no sanction of any authority is required otherwise. In case, any candidate who was ousted from the zone of consideration but is continuing under the orders of the Court, sanction is required to be taken qua the said candidate and not the candidates like the petitioner who are selected in both the merit lists.

Still, in the interest of justice, adjourned to 06.06.2024.

It will be appreciated that if the State on its own take the remedial measure to redress the grievance of the petitioner so as to avoid any harsh order to be passed keeping in view the fact that a selected candidate, is being kept out of the job and is made to beg for the same which is his rightful entitlement.”

2. Learned counsel for the respondents, on instructions from Ms. Anuradha, Legal Assistant, Mines & Geology Department, Haryana, submits that the petitioner has already been granted the appointment vide



order dated 06.06.2024, hence, the grievance of the petitioner does not survive any further.

3. Learned counsel for the petitioner submits that as the petitioner was selected in both the selection process, keeping in view the letter dated 21.04.2023 (Annexure P-16) the benefit accruing to the petitioner be also given to him so that petitioner does not suffer any prejudice.

4. Learned counsel for the respondents submits that in case any representation is received from the petitioner claiming benefit under the letter dated 21.04.2023 (Annexure P-16), the same will be processed and whatsoever the benefit, the petitioner is found entitled for as per the said Instructions dated 21.04.2023, same will also be extended to him and an appropriate speaking order will be passed within a period of eight weeks of the receipt of any such claim at the hands of the petitioner.

5. Learned counsel for the petitioner submits that in view of the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed any further with liberty to file appropriate representation to claim benefit under the letter dated 21.04.2023 (Annexure P-16).

6. Ordered accordingly.

June 06, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No