

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(204) CWP-12236-2016 (O&M)
Date of Decision : January 09, 2024

Sweety **.. Petitioner**

Versus

State of Haryana and others .. Respondents

(204-A) CWP-7159-2017 (O&M)

Mamta **.. Petitioner**

Versus

State of Haryana and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sanjiv Gupta, Advocate, with
Mr. Tushar Wadhwa, Advocate, for the petitioner
in CWP-12236-2016.

Mr. D.S. Patwalia, Sr. Advocate, with
Mr. Armaan Dahiya, Advocate, for the petitioner
in CWP-7159-2017.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Mr. Arvind Galav, Advocate and
Mr. Dinesh Kumar, Advocate, for respondents No.2 to 4.

HARSIMRAN SINGH SETHI J. (ORAL)

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

2. In the present writ petitions, learned senior counsel appearing on behalf of the petitioner contends that keeping in view the settled principle of law, the petitioner(s) are not entitled for the benefit of reservation but once the said benefit has already been extended to them and there is no misrepresentation on part of the petitioner(s) to claim the said benefit of reservation, keeping in view the settled principle of law settled by the Hon'ble Supreme Court of India in ***Special Leave Petition (Civil) No.3314, 3370 and 3365 of 2010 titled as Dattu Namdev Thakur vs. State of Maharashtra and others, decided on 07.12.2011***, the selection needs to be protected with the rider that no further benefit of reservation will be extended to the petitioner(s).

3. Learned senior counsel appearing on behalf of the petitioner also relies upon the judgment of the Coordinate Bench of this Court in ***CWP No.161 of 2010 titled as Rita K. Singh vs. The New India Assurance Company Limited and others, decided on 04.04.2012*** to project his claim for continuing in service but without raising any claim with regard to reservation in future. Learned senior counsel submits that the judgment of the Coordinate Bench of this Court in ***Rita K. Singh's case (supra)*** has already been upheld in ***LPA No.941 of 2012 titled as New India Assurance Company and another vs. Rita K. Singh and another, decided on 10.07.2012***, hence, the services of the petitioner(s) be not terminated but no further benefit of reservation be granted to the petitioner(s) especially when a considerable time has already elapsed since the selection of the petitioner(s).

4. Learned counsel for the respondents submits that as of now, only a show cause notice has been given to the petitioner(s) to show cause why action should not be taken and in case the petitioner(s) have any

grievance or any principle of law in their favour, which has been noticed hereinbefore, same will be taken into consideration while passing appropriate order.

5. Learned counsel for the respondents further submits that the present petitions are pre-mature as no order causing prejudice to the petitioner(s) has been passed so far and the present petitions are liable to be dismissed as being pre-mature.

6. Learned senior counsel appearing on behalf of the petitioner submits that keeping in view the stand of the employer i.e. respondents No. 2 to 4 that no action causing prejudice has been taken so far and all the pleas raised in defence will be taken into consideration including the settled principle of law, the present writ petitions may kindly be disposed of having been not pressed any further with liberty to the petitioner(s) that in case any order causing prejudice to them is passed, they be made entitled to avail appropriate remedy before appropriate forum.

7. Ordered accordingly.

8. Learned counsel appearing on behalf of respondents No. 2 to 4 submits that as of now, no reply has been filed by the petitioner(s) to the show cause notice.

9. Learned counsel for the petitioner(s) submits that appropriate reply to the show cause notice will be filed within a period of four weeks from today for the consideration of the respondents qua the show cause notices which have been issued to the petitioner(s).

10. The present writ petitions are disposed of in above terms.

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

12. A photocopy of this order be placed on the file of other connected case.

January 09, 2024

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No