

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-1492-2024 (O&M)
Date of decision: 08.07.2024

Promila DeviAppellant
V/s

State of Haryana and others ...Respondents

CORAM: HON’BLE MR. JUSTICE DEEPAK SIBAL
HON’BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Raje Ram Kaushik, Advocate
for the appellant.

DEEPAK SIBAL J. (ORAL)

1. The appellant’s writ petition was dismissed by the learned Single Judge in terms of an earlier decision by the learned Single Judge dated 16.10.2023 in CWP-22244-2023, *Ravinder Rathee and others Vs. State of Haryana and another*.
2. Against the judgment of the learned Single Judge in Ravinder Rathee’s case (supra) intra Court appeals being LPA-114 & 168 of 2024 have been dismissed by a Co-ordinate Bench on 20.03.2024. The operative portion of the judgment dated 20.03.2024 is reproduced hereinbelow:-

“ 8. The Apex Court, while exercising its powers under Article 142 of the Constitution of India and on account of concession given by the State, has directed the appointment beyond the advertised vacancies to the extent of 2233 by directing that after filling up the 9870 vacancies, the candidates who had qualified the HTET after the cut off date, would be appointed keeping in view the communication which was received from the Director of Elementary Education. It was only in the peculiar facts and circumstances and to put an end to the litigation which was going on for over more than a decade, the order had been passed while exercising powers under Article 142 of the Constitution of India while specifically stating that the 2012 selections would stand closed.

9. *The appellants herein are, thus, the beneficiaries of the said order and were not originally in the zone of consideration also. They are equally bound by the conditions in their appointment order whereby it was specifically said that it was subject to the outcome of the litigation. The Supreme Court has already closed the door and put a quietus to the litigation and the conditions in the appointment letter were that the appointment would be subject to the final outcome of the litigation. Therefore, since the number of persons to be adjusted in the district is much more than what was advertised, the contention of the senior counsel that options had been asked for from more districts than those which had been offered in the advertisement (Annexure P-1) would not take the appellants a long way. It is only on account of the litigation spanning over a decade as such the matter has festered and, therefore, the temporary appointment made at the time of appointment in the year 2017 was only to deal with the exigency at that point of time. It is the decision of the State as such which would make it mandatory to participate in the transfer policy drive and, therefore, there can be no objection to the fact that the appointment order itself was a conditional order i.e. 'subject to the outcome of the litigation' which culminated by the orders passed by the Apex Court.*

10. *Resultantly, we do not find any illegality in the judgment dated 16.10.2023 passed by the learned Single Judge declining to interfere in the action of the respondents wherein it had been made mandatory upon the appellants to take part in the transfer policy. We are informed that the said exercise has been completed and is pending subject to the permission of the Election Commission.*

11. *Accordingly, the present appeals stand dismissed. Pending applications, if any, also stand disposed of."*

3. After going through the record, we find that the case of the appellant is fully covered against him by the afore referred and quoted judgment of the Co-ordinate Bench.

4. Dismissed.

5. All pending miscellaneous application(s) shall also stand disposed of.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

08.07.2024
Sapna

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