



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

1108

CWP-23388-2014 (O&M)

Date of decision: 22.10.2024

Shammi Sharma and others

..Petitioners

Versus

State of Haryana and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the petitioners.

Mr. Tapan Kumar, DAG, Haryana.

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition is for direction to respondents to allow the petitioners to continue as TSI and not to place their names in draw of lot of two wings of the Transport Department namely Regulatory and Commercial Wing, which are distinct from each other.
2. Reliance was placed on pendency of a similar writ petition i.e. CWP No.10568 of 2013 titled as **Baljinder Singh and others vs. State of Haryana and others**, which stood decided on 18.04.2017, against which no LPA was filed and it reads thus:-

“Petitioners have questioned the validity of Annexure P2 by which the official respondents have resorted to allocate the staff amongst two wings i.e. regulatory and commercial wing after its constitution on 20.09.2002 by means of draw of lots. In the service jurisprudence there is no concept of draw of lots where the bifurcation of department or bifurcation of district is done. In such event allocation of employees would be with reference to seniority, length of service read with exercising option. Method of draw of lots would be heart burning among the senior employees if they do not get their names in the draw of lots at the earliest. There are every chance that there would be discrimination between the senior and junior in the allocation of regulatory and commercial wings in the present case. Therefore,

Annexure P2 proposal for allocation of employees through draw of lots is highly arbitrary and illegal. Accordingly, it is set aside. The respondents are directed to seek necessary option from the employees for the purpose of allocation to regulatory wing and commercial wing. After receipt of the options from the employees necessary action should be taken to allot them in respect of regulatory and commercial wings. The above exercise shall be completed within a period of 6 months from today.
CWP stands allowed.”

3. In view of the above, learned State counsel has no objection to the present matter being disposed of in terms of the judgment passed in **Baljinder Singh** (supra).
4. Ordered accordingly.

22.10.2024		(AMAN CHAUDHARY)
ashok		JUDGE
	Whether speaking/reasoned :	Yes/No
	Whether reportable :	Yes/No