

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

205-2

Decided on : 30.01.2024

(I) CWP-2174-2016 (O&M)

Vikram Singh And Anr. ....Petitioners  
Versus

State Of Haryana And Others ...Respondents

(II) CWP-27379-2017 (O&M)

Ombir Singh .....Petitioner  
Versus

State Of Haryana And Others ...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

PRESENT: Mr. Sanjiv Gupta, Advocate  
for the petitioners in CWP-2174-2016.

Mr. Sunil K. Nehra, Advocate  
for the petitioner in CWP-27379-2017.

Mr. Saurabh Mohunta, DAG, Haryana.

\*\*\*\*

**HARSIMRAN SINGH SETHI , J. (Oral)**

1. By this common order, above mentioned writ petitions are being disposed of as both the writ petitions involve the same question of law on similar facts.

2. As per facts mentioned, the respondents-department issued an advertisement No. 1 of 2015 for appointment against the post of Heavy Passengers Transport Vehicle Drivers. The said advertisement No. 1 of 2015 was to fill the posts on the fixed remuneration. It is a conceded fact between the parties that out of the total vacancies to be filled up, 06 posts were meant

for the general category 02 posts for eligible sportsperson, 03 posts for reserved category of Scheduled Castes, 02 posts for reserved category of BC-A category, 02 posts for ESM (General) category, 01 post for ESM (SC) category. The petitioners in CWP-2174-2016 belong to the general category whereas, the petitioner in CWP-27379-2017 belongs to reserved category of BC-B.

3. After the selection process over, the petitioners in CWP-2174-2016 were selected against 06 posts of general category. Though the petitioners in CWP2174-2016 were shown to be selected against 06 posts of general category but before any appointment can be given, the merit list was revised and in the revised merit list, both the petitioners in CWP-2174-2016 did not find themselves within the zone of selection qua the 06 posts in the general category.

4. Keeping in view the revised merit list, though the merit list, the petitioner in CWP-27379-2017 belongs to the reserved category of BC-B but keeping in view the overall merit obtained by him, he was to be adjusted against general category on the merit basis.

5. The question which has raised in the present petition is whether, the petitioners in CWP-2174-2016 are to be given appointment against 06 posts reserved for the general category or, keeping in view the merit obtained the petitioner in CWP-27379-2017 is to be given appointment against the general category.

6. Learned counsel for the respondents submits that the selection is to be made against 06 posts of general category of Heavy Passenger Transport Vehicle Driver. The same will be made on the basis of the merit which has been finalized by the Director State Transport and the

recommendations have been made. Learned counsel for the respondents submits that as per the settled principle of law, 06 posts in the general category were filled up from the combined merit list of all the candidates and whosoever, is found in the merit whether the petitioners in CWP-2174-2016 or the petitioner in CWP-27379-2017, will be given appointment. Learned counsel for the respondents submits that the appointment will be made on the basis of the merit obtained by the candidates in the selection process.

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

8. The posts of the Heavy Passenger Transport Vehicle Driver is to be filled up on the basis of the merit obtained by the candidates. Qua six posts in the general category, the same are to be filled up on the basis of the joint merit obtained by the candidates irrespective of the category candidate has applied for. The respondents are directed, let all the six posts be filled up in the general category from the combined merit list of the candidates which have been framed by the Director State Transport.

9. In case, while filling six posts of the Heavy Passenger Transport Vehicle Driver in General Category on the basis of combined merit, the petitioners are found eligible in all respect and they are entitled for selection against those posts as per their merit, they be adjusted against the said six posts and in case, any of the petitioner does not fit in as per the merit obtained by him, an appropriate order be passed giving the details as to why, such petitioner is not being appointed against the six posts to be filled up in the general category.

10. In case, any appointment in the reserved category has already

been made and the said candidate already fall within the merit, the said candidate will be allowed to continue in service and remaining posts will be filled up according to the merit obtained by the candidates in the selection process for the post in question.

11. In case, after the appointment, any petitioner claims the notional benefit by seeking *ante dated* appointment, he is free to file an appropriate representation with the authorities concerned and in case any such representation is received by the authorities concerned from the petitioners, the same will be considered according to law within a period of eight weeks from the date of receipt of any such representation.

12. Let the consideration for appointment against six posts in general category be finalized by the respondents within the period of 08 weeks from the receipt of copy of this order.

13. The present petitions stand disposed of in above terms.

14. Civil miscellaneous application pending, if any, is also disposed of.

15. A photocopy of this order be placed on the files of connected cases.

(HARSIMRAN SINGH SETHI)  
JUDGE

**30.01.2024**  
*Riya*

*Whether speaking/reasoned:*      *Yes/No*  
*Whether Reportable:*              *Yes/No*