



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of decision: 14.02.2025

CWP-4537-1999

KRISHAN MURARI THROUGH HIS LRSPetitioners

VERSUS

STATE OF HARYANA & OTHERSRespondents

CWP-4538-1999

DINESH KUMARPetitioner

VERSUS

STATE OF HARYANA & OTHERSRespondents

CWP-4612-1999

SAJJAN KUMAR & OTHERSPetitioners

VERSUS

STATE OF HARYANA & OTHERSRespondents

CWP-5972-1999

RAMA KANTPetitioner

VERSUS

STATE OF HARYANA & OTHERSRespondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. R.K. Malik, Senior Advocate with
Mr. Kartikey Chaudhary, Advocate
for the petitioners.

Ms. Tanisha Peshawaria, DAG, Haryana.

Mr. A.K. Singh Goyat, Advocate
for Intervener/Respondent.

**CWP-4537-1999 and connected petitions**

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VINOD S. BHARDWAJ, J. (Oral)

These batch of writ petitions have been filed against a common grievance and hence the same are being disposed of by a common order.

2. A brief reference to the controversy is, however, being extracted from *CWP-4537 of 1999* titled as “*Krishan Murari through his LRs versus State of Haryana and others*”.

3. The petitioner had passed the Patwari examination held by the Irrigation Department, Haryana in the year 1994 whereupon 427 Canal Patwaris were appointed in February 1995. The said selection made by the Department of Irrigation was challenged before this Court on various grounds and the selection was quashed by this Court on 20.12.1995 finding certain flaws in the merit list. The matter went to the Hon’ble Supreme Court, which directed that the candidates whose selection had been quashed be allowed to continue till new selection is undertaken in accordance with law.

4. Pursuant to the directions issued by the Hon’ble Supreme Court in the judgment of “*Raj Kumar and others versus Shakti Raj and others*” reported as *JT 1997 (2) SC 688*, fresh interviews for the post of Patwari were held and a new select list was published and appointment was given again to the petitioner. Certain writ petitions however again came to be filed before this Court alleging that even though certain candidates, who had applied under the reserved category, had secured more marks than the last selected candidate under the general category, however, their candidature had been considered only in the reserved category instead of General category whereas they being in the reserved category would have been benefitted if selection was rightly done.

**CWP-4537-1999 and connected petitions**

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5. On the aforesaid representation, the impugned order herein was passed by the authorities thereby terminating the service of the petitioner. Consequently, the petitioners approached this Court against termination of their services. Vide order dated 06.04.1999, the order dated 30.03.1999 terminating the service of the petitioners was stayed by this Court.

6. The present writ petitions were thereafter admitted and have remained pending before this Court. By virtue of an interim order passed by this Court, the petitioners have been continuously serving as Canal Patwaris since then. It has been informed that there were a total of 41 petitioners who were identically placed and whose services were ordered to be terminated out of which 05 petitioners have unfortunately expired, while 05 have already superannuated and only 31 petitioners remain in service. It is also evident that the year of birth of such in service petitioners is from 1969-1972. Hence, a large number of them are due for superannuation in next 2/3 years while a small few retire in 4/5 years.

7. Even though on a first reaction, the action of respondents may be justified prima facie (without commenting on procedural compliances) however I am of the view that the issue left now is more academic only. While large number of petitioners are to retire in next 2/3 years, nearly 25% of them have either superannuated or have unfortunately expired. Their retiral and other dues have also been released. This Court also feels that even the persons who were originally in the waiting list for reserved category may also have attained the age of superannuation and if not then would be nearing the same. There are also huge chances that they have already found new vocation for themselves and would not be much interested to join the service at this juncture for an year



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or two, even if the writ petition was to fail. The cause thus does not survive any further due to efflux of time.

8. Taking into consideration that the petitioners have served with the respondents, albeit under some error on the part of the respondent-authorities, and 31 petitioners, who are still continuing are at advanced stages of their career and are likely to superannuate in near future, I do not find that it would be appropriate at this juncture to terminate their services.

9. The impugned orders are accordingly set aside. The petitioners are permitted to continue till their age of superannuation. Further, retirement benefits, as become admissible to them, shall be released as per law.

The writ petitions are accordingly allowed.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 14, 2025
Vishal Sharma

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