



CWP-5716-2016 (O&M) & CWP-7028-2016 (O&M)

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

209 (2 cases)

CWP-5716-2016 (O&M)

Date of Decision: 31.07.2025

Dharamvir Yadav

...Petitioner

Versus

State of Haryana and others

...Respondents

And

CWP-7028-2016 (O&M)

Manoj Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: - Mr. B.K. Bagri, Advocate for the petitioner
(in both petitions)

Mr. Shashank Bhandari, Additional Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from *CWP-5716-2016*.



2. The petitioner through instant petition under Article 226 of the Constitution of India is seeking direction to respondents to grant him service benefits from the date of appointment of his batchmates.

3. This is second round of litigation. The petitioner applied for the post of Constable Driver under Reserved Category. His name appeared in the waiting list at Serial No.2. There were four posts of Constable Driver in his category i.e. BC-B Category. Candidate at Serial Nos.2 and 3 were found ineligible on account of forged Driving Licence. Their candidature was rejected in 2002. Candidate who was Serial No.1 in waiting list expressed his inability to join because he was not having Driving Licence. Resultantly, petitioner became eligible for appointment. The respondent conducted police verification. Petitioner was subjected to medical examination on 19.08.2002. Police verification report was received on 23.08.2002. Despite the said development, the respondent did not issue appointment letter to the petitioner. Under compelled circumstances he preferred *CWP No.13507 of 2004* before this Court which was disposed of vide order dated 17.09.2004 (Annexure P-1). The said order is reproduced as under: -

“Learned counsel for the respondents on instructions from Lal Chand, Deputy Superintendent of Police, Indian Reserve Battalion, Bhondsi, Distt. Gurgaon states that the driving licence of the petitioner has since been verified and it has been found to be genuine. Since the only impediment in the path of the petitioner for being granted a formal order of appointment has now been found in favour of the petitioner, we are satisfied that the petitioner should be issued a formal appointment order keeping in mind that the petitioner has already been found to be medically fit (on 19.8.2002) and in



police verification report dated 23.8.2002, nothing was found against the petitioner.

While allowing the instant writ petition and while directing the respondents to appoint the petitioner forthwith against the post of driver, we hold that the petitioner shall also be entitled to all consequential benefits from the date persons similarly situated as the petitioner were granted appointed.”

4. The petitioner has been issued appointment letter but he has not been granted service benefits from the date of joining of his batchmates.

5. Learned counsel for the petitioner submits that petitioner is entitled to service benefits at par with his batchmates. The respondent by denying said benefits has violated order dated 17.09.2004 passed by this Court.

6. Learned State counsel reiterated Paragraph No.2, 3, 4 & 5 of the reply. The said paragraphs are reproduced as below: -

“2. That the present petition is not maintainable in the eyes of law. The petitioner applied for the post of Constable Driver in the reserved category for BC-B. It is submitted that the Selection Board so constituted for selection of candidates for the post of constables figured petitioner in the waiting list at Sr. No. 20. Four (4) posts of Constable Driver in BC-B category were advertised and required to be filled up by way of above selection procedure through Selection Board. Basically, the following four candidates were selected for the post of Constable Driver against the four posts advertised in the category of BC-B:-

- i. Sh. Ram Karan s/o Sh. Mahender Singh*
- ii. Sh., Ashok s/o Sh. Om Parkash*
- iii. Sh. Mubeen s/o Sh. Samdu*



- iv. *Sh. Mahipal s/o Sh. Shiv Narain*
3. *Among the above four candidates, the candidates mentioned at Sr. No. i & iv were appointed as Constable Driver on the verification of their educational and technical qualifications. The candidate mentioned at Sr. No. ii was denied for appointment as Constable Driver as the driving licence possessed by him was found forged upon verification on 03.07.2002 from the office of the concerned Licencing Authority i.e. Bulandshehar (U.P.). He had filed a CWP No.19074/02 titled as Ashok Kumar Vs State of Haryana and others and the same has been dismissed as withdrawn on 19.08.2004.*
4. *Further, the candidate mentioned at Sr. No. iii was denied for appointment as Constable Driver as the driving licence possessed by him was found forged upon verification on 05.08.2002 from the office of the concerned Licencing Authority i.e. District Transport Authority. Faridabad. Against these disqualified candidates, the following candidates listed in waiting list of BC-B category were considered for appointment as Constable Driver:-*
- (i) *Sh. Shashikant s/o Sh. Mahipal Regd. No. GGN/143*
- (ii) *Sh. Dharamvir s/o Sh. Sheo Ram Regd. No. GGN/138*
5. *Among the above mentioned waiting list candidates, the candidate mentioned at Sr. No. (i) had submitted an application on 26.08.2002 in writing that he was not having any driving licence for driving heavy vehicles. The respondents have responded at every time as and when the petitioner submitted his claim. The petitioner had filed CWP No. 13507/2004 titled as Dharamvir Singh Vs State of Haryana and others in the Hon'ble High Court, Chandigarh. The Hon'ble High Court allowed the writ petition vide its orders*



dated 17.09.2004 directing the respondents to appoint the petitioner forthwith against the post of driver and hold that the petitioner shall also be entitled to all consequential benefits from the date persons similarly situated as the petitioner were granted appointment. Copy of orders dated 17.09.2004 is attached as Annexure R-1. Accordingly the petitioner was given appointment to the post of Constable Driver in 1st India Reserve Battalion on 13.10.2004. Hence, in view of the above circumstances, it is clear that there is no candidate lower in merit to the petitioner i.e. Dharamvir Yadav (petitioner) and who have been appointed as constable, driver against the post advertised by completing all codal formalities for appointment i.e. verification of education qualification, driving licence received on 13.09.2004, verification of character and antecedents, medical examination etc, in this unit.”

7. From the perusal of order dated 17.09.2004 passed by this Court in *CWP No.13507 of 2004* and afore-cited paragraphs of the reply, it is evident that posts were available in 2002 and the petitioner was found eligible in 2002. His batchmates joined in 2002, however, respondent issued appointment letter to the petitioner in 2004 despite the fact that petitioner was subjected to medical examination and police verification in August’ 2002 itself. There was specific direction of this Court to the effect that the petitioner shall be entitled to all consequential benefits from the date similarly situated were granted appointment.

8. In the wake of above discussion and findings, this Court is of the considered opinion that there was no occasion for the respondent to treat the petitioner differently from his batchmates. The petitions deserve to be



allowed and accordingly allowed with a direction to respondent to grant notional service benefits to the petitioners from the date their batchmates joined. Let the needful be done within six months from today.

9. It is made clear that the petitioners shall not be entitled to salary for the past period.
10. Pending application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

31.07.2025
Mohit Kumar

Whether speaking/reasoned	Yes
Whether reportable	Yes