



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-18680-2024
Date of decision: 16.07.2025

BAL KRISHAN AND OTHERSPetitioners

VERSUS

STATE OF HARYANA AND ANOTHERRespondents

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

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

Ms. Dimple Jain, DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present writ petition is to the order dated 06.06.2024 whereby the claim of the petitioners has been rejected and a further prayer is made to direct the respondents to consider the claim of the petitioners for appointment as Ayurvedic Dispenser, notionally from the date when the candidates lower in merit to the petitioners have been appointed, for the purpose of seniority and increment and actual benefits be granted w.e.f. from the date of their appointment.

2. Learned Senior Counsel appearing on behalf of the petitioner contends that consequent upon the advertisement dated 01.12.2015 for 138 posts of Dispenser Ayurvedic, petitioners, who were degree holders, applied for the same. The minimum qualification prescribed for the said post was a

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Diploma. The petitioners participated in the same and were selected by the Haryana Staff Selection Commission. While appointment was made to other persons selected in the said appointment process, the petitioners were not offered appointment as CWP-5588 of 2017 titled “Dinesh Kumar and others versus State of Haryana and others” was filed before the High Court challenging the eligibility and entitlement of the petitioners. An interim order of status-quo thus came to be passed. Vide order dated 25.10.2021 petitioners were not permitted to join. The writ was dismissed on 25.10.2021. The respondents thereafter offered appointment to the petitioners against the post of Ayurvedic Dispenser dated 02.11.2021.

3. Learned Senior Counsel contends that the petitioners were denied appointment to the said post on account of the interim order in the pending lis before this Court and not on account of any ineligibility suffered by them. It is submitted that a mere pendency of a writ petition and consequentially delayed appointment should not stand in the way of the petitioners for being assigned their entitled seniority as per the merit list prepared by the Haryana Staff Selection Commission. It is submitted that under similar circumstances ***CWP-15415 of 2009*** titled as “***Mohd. Rafeeq Ahmed versus State of Haryana and others***” had been preferred before this Court wherein the benefit of deemed date appointment had been extended and the benefit of services, seniority etc. were granted notionally w.e.f the date when the other selected junior persons had been offered appointment. The operative part of the said judgment dated 30.11.2009 reads thus:-



“During the pendency of this petition, the petitioner stands appointed. The only grievance of the petitioner now is that he has to be granted the benefit of appointment from the date, the other selected candidates were appointed. Similar directions were issued in the earlier judgment of this Court dated April 11, 2005 passed in CWP No.15043 of 2004. Since the petitioner was wrongly denied appointment and now he has been selected recognising his eligibility, it is directed that the petitioner's appointment shall relate back from the date when other selected candidates were appointed. The petitioner shall be granted the benefit of length of service, seniority etc. on the basis of his merit position. However, the petitioner shall not be entitled to any monetary benefit during the interregnum.”

4. It is further argued that the Hon’ble Supreme Court, in the matter of “**Balwant Singh Narwal versus State of Haryana and others**” reported as **2009 (3) SCT 249** has held as under:-

“9. This Court while allowing the appeals by respondents 4 to 16 by order dated 6.12.1999 made it clear that all the 30 persons recommended by the Commission as per merit list dated 1.10.1993, including respondents 4 to 16 are entitled to be appointed. The State Government submitted that but for the order dated 4.4.1994 of the High Court, Respondents 4 to 6 would have been appointed on 2.6.1994 itself. The order dated 4.4.1994 was ultimately set aside by this Court and respondents 4 to 16 who were consequently appointed should not be denied the benefit of seniority. Therefore the State Government was justified in giving them only notional seniority and placing them immediately below the other



16 candidates selected in the common merit list (published on 1.10.1993) and appointed on 2.6.1994. Respondents 4 to 16 have been given retrospective seniority not from the date of their selection as wrongly assumed by appellants, but from 2.6.1994 when other selected candidates in their merit list were appointed.”

5. Relying on the same, he vehemently submits that the State Government was not justified in denying the benefit of notional seniority and placing them below the candidates who were otherwise lower in the merit list as recommended by the recruiting agency.
6. Counsel for the respondent-State fairly concedes that the aforesaid judgment would be applicable to the case of the petitioners and is not in a position to dispute the facts or position in law noticed above.
7. Since there is no serious dispute to the right claimed by the petitioners as well as with respect to the applicability of the judgments cited by the Counsel for the petitioners, **the present writ petition is allowed**. The speaking order dated 06.06.2024 endorsed on 07.06.2024 is set aside. The respondents are directed to grant the benefit of length of service, seniority etc., on the basis of their merit position, notionally w.e.f. the date when the juniors were granted similar benefits.
8. Let the necessary compliance be ensured by the respondents within a period of three months of a receipt of certified copy of this order.

(VINOD S. BHARDWAJ)
JUDGE

JULY 16, 2025
Vishal Sharma

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