

(2000) 08 P&H CK 0218

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 5574 of 1996, C.M. 7699 of 1996 and C.M. 3192 of 2000

Ex-Junior Warrant Officer Satya Narain Deshwal

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 14-08-2000

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2000) 08 P&H CK 0218

Hon'ble Judges : J.S. Narang, J

Bench : Single Bench

Advocate : Mr. R.K. Malik, for the Appellant; Mr. J.P. Dhull, AAG and Mr. R.N. Lahan, for the Respondent

Judgement

J.S. Narang, J.—An application has been filed by the petitioner that the petition be disposed of/allowed in the same terms as Civil Writ Petition No. 6325 of 1996 decided on 23.4.1997.

2. Notice of the C.M. was given to Advocate General, Haryana and the private respondents and it had also been observed vide order dated 16.2.2000 that the main petition be also listed for hearing along with Civil Miscellaneous Application. Subsequently, on request of the counsel for the parties, the petition was ordered to be set down for final hearing on 10.8.2000 but the case could not be taken up on the said date and was finally heard on 14.8.2000 i.e. today.

3. During the course of the orders which were passed in the Civil Miscellaneous Application, learned AAG, Haryana had been asked to place on record revised provisional list of the candidates belonging to the Ex-serviceman category shown to have been selected for the post of Lecturer in English (Male) in response to Advertisement No. 1/95 and 7/95, categories Nos. 27 and 3. It had also been observed that the list should be prepared in view of the law laid down by the apex Court in Dilwan Singh's case, which is reported as Dil-wan Singh and others v. State of Haryana and others 1996(2) RSJ 514 : 1996(2) SCT 637 (SC).

The list so prepared had been filed in Court and the same has been taken on the record and is marked as Annexure "C-1".

4. Learned counsel for petitioner No. 1 stated that in view of the list placed on record, the petitioner No. 1 is not interested in prosecuting the petition, as such, the same be dismissed qua petitioner No. 1, i.e. Satya Narain Deshwal. The petition is, therefore, dismissed as withdrawn qua petitioner No. 1.

5. It is further contended by the counsel for petitioner No. 2 that as per the list now filed by the Government, petitioner No. 2, i.e., Ram Avtar has been shown at serial No. 6 and has been shown as "now selected". It is stated that in this view of the matter, the petition does not survive any longer as the necessary relief claimed by the petitioner stands granted. It is contended that in view of the selection of the petitioner, the Government be directed to issue the letter(s) of appointment within some timeframe.

6. In view of the list drawn as per the law laid down by the apex Court and the provisions of law applicable, no relief remains claimable by the petitioner. It is observed that the necessary letter(s) of appointment be issued in accordance with law.

7. It is expected that the Government shall issue the letter(s) of appointment within a period of three months from the receipt of copy of this order and further the due seniority shall be accordingly given to the petitioner No. 2 after the same is determined in accordance with law and such determination of seniority shall not make the petitioner eligible for the arrears which may be accruable in pursuant thereto.

8. So far as respondent Nos. 5 and 6 are concerned, who belong to the DESM category, their case shall be considered in view of the observation made by this Court in Civil Writ Petition No. 15634 of 1999, Ra-jesh Kumar Tahlani and others v. State of Haryana and others decided on 2.6.2000 and the benefits so available be also granted to them accordingly. Writ petition is disposed of in the above terms.

9. Order accordingly.