IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA

AT CHANDIGARH.

Review App. No. \_\_\_\_\_\_\_\_\_ of 2022

In Review App. no.RA-CW-115 of 2017

IN CWP No. 15910 of 1992

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| Raj Kumar | ...……..… Petitioner |
| VERSUS | |
| State of Haryana & Other | ……….… Respondents |

Review Application under Order 47 Rule 1 read with section 151 of CPC praying for Review the order dated 24.4.2017 in Review Application No.RA-CW-115 of 2017 in CWP no. 15910 of 1992 passed by this Hon,ble Court in view of latest information under RTI Act (discovery of new and important matter) that one candidate ,who was lower in merit has been appointed in the month of Aug. 1994 (Annexure A-5 &A-6 ) from the selection list of Junior Librarians which information withheld by the respondents from the Hon,ble Court w.e.f Aug. 1994 and various RTI applications w.e.f. 2009 to 2020 .

**RESPECTFULLY SHOWETH:**

1. That the above said application was filed before this Hon’ble Court and applicant-petitioner very hopeful of its success on the basis of grounds taken therein.
2. That the above mentioned writ petition has been filed by the petitioner in the year 1992 which was allowed vide order dated 14.5.2010 by this Hon.le Court vide which the respondents are directed to consider the petitioner for appointment within a period of two months, as the petitioner at the time of filing of above said petition, was seeking appointment on the basis of his selection for the post of Junior Librarian in Higher Education department Haryana.
3. That petitioner applied for the post of Junior Librarian in response to the advertisement no 3/1988 dt. 7.7.1988 ( Annexure P-1) issued by the then SSS Board Haryana ( Now HSSC) , as many as total 18 posts of Junior librarian were advertised for Higher Education Department Haryana .Out of these 13 posts were reserved for different category and the remaining 7 posts were for general category and 6 for ESM/DESM and the petitioner applied for above said posts being fully eligible in general category .
4. That on the basis of the performance of the candidates in the interview, the Selection Board finalized the selection on 29.3.1991 . The petitioner was also amongst the selected candidates in the general category. On his further verification from the selection Board ,the petitioner came to know that he is at no.1 in order of merit amongst the general category candidates . The petitioner also came to know that his name had also been recommended to respondent no. 2 by the selection board for making appointment . A true copy of selection list dated 29.3.1991 of the Junior Librarian is annexed herewith as  **Annexure A-1 .**
5. That for some time , respondent no.2 did not take any action to appoint the duly selected candidates from the entire selection list inasmuch, as some ad-hoc appointees who were appointed by way of stop-gap arrangement to await recommendations of the selection board , had obtained stay of termination of their services form this Hon,ble Court .
6. That after awaiting for a sufficient period, for the offer of appointment , the petitioner approached this Hon,ble Court by filing CWP No. 15910 of 1992 but this petition had been admitted which was decided after 18 years i.e. on dt. 14.5.2010 and Hon,ble High Court directed the State of Haryana to consider the petitioner for appointment whereas, respondents filed the reply in this case and stand of the respondent in this reply was that advertised posts are held up by the ad-hoc employees, there is no vacant post till date and there is no joining of any candidate in the selection list.

It is pertinent to mention that petitioner, who was only one petitioner in CWP No. 15910 of 1992 and he did not have any knowledge about any writ petition is being filled from the same selection list or any candidate joined or not from the selection list till his retirement from service i.e on 30.11.2016 because he was at no. 1 in the merit list of selection .

1. That respondents after finding the petitioner entitled for the appointment as per their merit number (no.1) , issued the appointment letter dated 7.1.2011. On the date of appointment i.e. on 7.1.2011 his age was 52 years and only 6 years were left, for his service and after conducting medical examination of the petitioner meant for the first entry in to Govt. service ,petitioner joined with the department on 12.1.2011. A true copy of the appointment letter dated 7.1.2011 of the petitioner is annexed herewith as **Annexure A-2.**
2. That after joining the post i.e. Junior librarian by the petitioner in the years 2011 , respondents neither open his GPF account according to old pension scheme ,nor open his contributing account ,according to new pension scheme, whereas he was entitled for old pension scheme because his selection was made in the years 1991 i.e. before the new pension scheme -2006 and in his appointment letter (A-2) nothing has been mentioned regarding any pension scheme which would applicable upon him.

**9.** That before joining and after joining of service (i.e. year 2011 to 2020 ) the petitioner applied so many times under the RTI, to find-out any person who joined the post of Junior Librarian from the same selection list of 1991( Annexure A-1) of 18 junior librarians in any Govt. College in Haryana State but the respondents did not give the correct reply or correct list (selection list) of any person regarding joining of any person from the said selection list and intentionally withheld the true information which is not disclosed in the earlie petitions filed by the petitioner that one candidate namely Jai Shree has been joined as Junior Librarian in Aug.1994 who was lower in merit then petitioner from the same selection list.

**10. That** petitioner after joining the said post (2011) filed the Civil Writ Petition No. 11087 of 2015 before this Hon,ble Court prayed for seniority ,notational pay fixation and opening the GPF from the date of his selection (i.e from the year 1991). When this petition came up for hearing on 15.2.2017 this Hon,ble Court dismissed that writ petition being not maintainable liberty was granted to the petitioner to file the review petition in earlier petition i.e. CWP no. 15910 of 1992 which was decided on 14.5.2010 . Then petitioner filed the review petition against the order dated 14.5.2010 in C.W.P. no 15910 of 1992 but this review petition has been dismissed on 24.4.2017 due to delay of 2819 days . True copy of the order dated 15.2.2017 passed in CWP no. 11087 of 2015 is attached herewith as **Annexure A-3**. It is pertinent to mention here that respondent did not file the reply intentionally in the second petition i.e. CWP no. 11087 of 2015 whereas this Honble Court directed the respondents many times to file the reply and last opportunity was also given but respondents intentionally did not file the reply on last date of hearing . If respondents file the reply in the case then truth came out from the selection list that any candidate had joined or not in the selection list. But respondent no.2. in the reply dated 21.11.2017 of one legal notice dated 18.7.2017 misguided this very facts that they had filled the reply in this case.

1. That petitioner after rendering the total 6 years service without any blaming, retired on 30.11.2016 after attaining the age of superannuation but no benefit of any pension scheme has been granted.

**12. That now the present applicant-petitioner is again seeking to approach this Hon’ble Court by filing the instant Review Application for review the order dated 24.4.2017 In Review App. no.RA-CW-115 of 2017 IN CWP No. 15910 of 1992 on the ground discovery of new and important matter which ,after the exercise of due diligence ,was not within knowledge of the applicant .**

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1. That petitioner after coming the RTI Act 2005 continuously submitting the applications under this Act to the respondents to provide the information from all Govt. Colleges in Haryana , regarding whether any appointment had been given to any candidate from the selection list of years 1991 of Junior Librarian but no name was provided by the respondents from that list intentionally. In this regard some RTI applications are attached herewith as **Annexure A-4** .

It is pertinent to mention here that petitioner and his friends have submitted the various applications under the RTI Act . The reply of that applications which are more than 60 pages shall be produced at the time of hearing of this case before this Hon,ble Court.

Then petitioner in the year 2020 came to know that one candidate namely Jaishree who was lower in merit than petitioner has been appointed in the month of Aug. 1994 from the selection list of 1991 (A-1) and presently posted at Govt. College Badli (Bahadurgarh) then petitioner again filed the application through his friend under RTI Act and seek the details information of her appointment . In this regard copy of the RTI application /reply dated 19.3.2020 is attached herewith as **Annexure A-5 .** Then respondent no.2. provided the information regarding this , that Smt. Jai Shree appointed/joined as Junior Librarian in the month of Aug.1994 vide order dated 9.12.1993 in CWP no. 9587 of 1992 of this Hon,ble Court and now she is promoted from the post of junior librarian to senior librarian and at present, posted in the Govt. College Badli ( Bahadurgarh) and she was appointed from the same selection list of the year 1991 vide adv. No. 3.1988 . Therefore, the petitioner has a prior right to join the post of Junior Librarian prior to Smt. Jai Shree .This information was initially withheld by the respondents in order to frustrate the petitioner by saying that there is no vacancy which was contempt action of the respondents and in the second CWP No. 11087 0f 2015 reply has not been filed intentionally . A true Copy of the appointment letter dated 30.8.1994 of the candidate i.e Jai shree and copy of the order dated 9.12.1993 in CWP no 9587 of 1992 vide which, her writ petition has been allowed by the Hon,ble High Court are attached herewith as **Annexure A-6 and A-7.**

This is the discovery of new and important matter which ,after the exercise of due diligence ,was not within knowledge of the applicant –petitioner . On this ground, this review application is maintainable .

1. **That**  after discovery of new facts i.e one appointed candidate i.e Jai Shree who was lower in merit candidate from the same selection list then petitioner who was upper in merit in the selection list, was/is entitled to grant of deemed date of appointment with all consequence benefits from the month of Aug. 1994 , as that has been given to other appointed candidate i.e Smt. Jaishree in pursuance of the same selection process and same selection list of the year of 1991 and grant the benefit of seniority and notional pay fixation at par with the candidate/employee who has joined their services i.e on 30.8.1994 prior to the petitioner as per the merit list prepared at the time of selection pertaining to the advertisement dated 22.1.1988. (Ann.P-1)

**13. That** since the appointment of the petitioner was made against their merit number in pursuant to the selection list dated 29.3.1991,so in any eventuality ,the petitioner cannot be denied for the benefit either of pay or pension and other service benefits as the similar situated candidate as per the merit is already having their GPF account as per the rules prevailing at that point of time i.e. at the time of selection .

**14. That** it is settled proposition of law that once the appointment is made strictly on the merit basis ,an employee cannot be discriminated only on the ground that he could not be issued appointment letter either due to pendency of the litigation or by adopting pick and choose method or due to the pendency of the litigation in that regard and on the other hand in that situation a condition which was not applicable over the candidate who has been selected in the same selection list ,cannot be made applicable over the present petition as even in the compelling circumstances when the petitioner has been issued the appointment letter after a long span .

**15. That** it is settled law that the method of ‘No Work No Pay” will be applicable in the case of present petitioner but in none of the circumstances the petitioner can be denied for notional pay fixation at par with the similarly situated employee and who has been permitted to join at the time of declaration of selection and seniority as well became the controversy has already been decided by various judgment. passed by this Hon,ble Court as well as by the Hon,ble Apex court.

**16. That** at the time of deciding the above mentioned writ petition other identical two petitions were also decided by the this Hon,ble Court by common order i.e on 14.5.2010. After joining the post in the year 2011 as fresh they again filed the writ petition in this Hon,ble Court CWP no.. 19451 of 2014 titles as Devender Kumar and another versus State of Haryana , which was allowed on 19.9.2018 that the petitioners cannot be deprived of the benefits of seniority, notional pay fixation and other consequential benefits as the similar benefits have already been granted to the other similarly situated employee who has been appointed from the same merit list/select list. True Copy of the order dated 19.9.2018 passed by this Hon,ble Court is attached herewith as **Annexure A-8.**

**17. That** the petitioner represented to the respondents many times in person or through representation to grant the benefit of seniority , pay fixation and for pension but their genuine request not considered by the respondent . it is pertinent to mention here that when the grievances of the petitioner were not redressed by the department, ultimately, the petitioner got served upon a representation to the respondents on dated 31.1.2022 but till today no response has been received from the respondents. A copy of the representation dated 31.1.2022 is attached herewith as **Annexure A-9.**

**18- That** the applicant-petitioner has not filed any such or similar application earlier in this Hon’ble High Court or before the Hon’ble Supreme Court of India except Review app. No. RA-CW-115 of 2017 in this case which was dismissed on the ground of delay.

It is, therefore, respectfully prayed that the present review application may kindly be accepted and review the order dated 24.4.2017 in Review application no. RA-CW-115 of 2017 passed by this Hon’ble Court in above said petition no. CWP no 15910 of 1992 in view of latest development i.e. one candidate namely Jai Shree has been appointed in the month of Aug. 1994 who was/is lower in merit than petitioner in the same selection list (A-1) prior to the petitioner from the same selection list pertaining to the post of Junior Librarian in the interest of justice.

It is further prayed that the applicants- petitioner may kindly be exempted from filing certified/true copies of Annexures and permitted to place on record the same, in the interest of justice.

Note: Affidavit is attached along with this application.

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| Place: Chandigarh  Dated:20.3.2022 | [SURESH AHLAWAT ]  ADVOCATE COUNSEL FOR APPLICANTS- PETITIONER |

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHNADIGARH

Review App. No. \_\_\_\_\_\_\_\_\_ of 2022

In Review App. no.RA-CW-115 of 2017

IN CWP No. 15910 of 1992

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| Raj Kumar | ...……..… Petitioner |
| VERSUS | |
| State of Haryana & Other | ……….… Respondents |

Application under Section 5 of the Limitation Act for of delay of days ,in filling the present review application.

**RESPECTFULLY SHOWETH :-**

That the above said application was filed before this Hon’ble Court and applicant-petitioner very hopeful of its success on the basis of grounds taken therein.

That certain subsequent event i.e. discovery of new and important matter which has direct nexus to the issue at hand that

1. That petitioner joining the post of Junior Liberian in the month of Jan.2011 vide order dated 14.5.2010 in above mentioned case , continuously submitting the applications under RTI Act till 2020 to the respondents to provide the information from all Govt. Colleges in Haryana regarding whether any appointment had been given to any candidate from the selection list of years 1991 of Junior Librarian but no name was provided by the respondents from that list.

**2. That** petitioner in the year 2020 came to know that one candidate namely Jaishree who was lower in merit than petitioner has been appointed in the month of Aug. 1994 from the selection list of 1991 (A-1) and presently posted at Govt. College Badli (Bahadurgarh) then petitioner again filed the application through his friend under RTI Act and seek the details information of her appointment . Then respondent no.2. provided the information on 19.3.2020 (A-5) regarding this , that Smt. Jai Shree appointed/joined as Junior Librarian in the month of Aug.1994 vide order dated 9.12.1993 in CWP no. 9587 of 1992 of this Hon,ble Court and now she is promoted from the post of junior librarian to senior librarian and at present, posted in the Govt. College Badli ( Bahadurgarh) and she was appointed from the same selection list of the year 1991 vide adv. No. 3.1988 . Therefore, the petitioner has a prior right to join the post of Junior Librarian prior to Smt. Jai Shree .This information was initially withheld by the respondents in order to frustrate the petitioner by saying that there is no vacancy which was contemptuous action of the respondents.

**3 That** It is humbly submitted, due to the reasons mentioned hereinabove now the present applicant-petitioner is approached this Hon’ble Court by filing present review application to review the order dated 24.4.2017 in Review no. RA-CW-115 of 2017 in CWP No. 15910 of 1992 , so due to which said delay of days has been occurred but the same is neither intentional, nor deliberate.

**4- That** for sake of brevity, the grounds of review application could not be repeated here, which may kindly be read as part & parcel of this application also. Hence, the present application.

It is, therefore, respectfully prayed that the present application may kindly allowed and delay of days in filing the present review application may kindly be condoned, in the interest of justice.

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| Place:Chandigarh  Dated: 20.03.2022 | [SURESH AHLAWAT]  ADVOCATE  COUNSEL FOR APPLICANT-PETITIONER |

**TO**

1. The Financial Commissioner -cum- Addl. Principal Secretary ,Higher Education Department, Haryana Civil Secretariat ,Sector-17 Chandigarh.

2. Director-General, Higher Education, Haryana , Shiksha -Sadan Sector-5 Panchkula.

**Subject:- Supplementary Representation regarding**  , grant the deemed date of appointment to the applicant and benefit of seniority and notional pay fixation at par with the candidate/employee ( Jai Shree presently posted as librarian in Govt. College Badli -Jhajjar) who is junior most to me and had joined their services in the year 1994 prior to the applicant, as per the merit list prepared at the time of selection pertaining to the advertisement dated 7.7.1988.

**Further extend the benefit of Old Pension Scheme before the 2006 ,who was appointed against the Adv. No. 3/1988 dated 7.7.1988 result declared on 29.3.1991 and joined in the Jan.-2011 as Junior Librarian before the date of Notification of NPS dated 18.8.2008 i.e Haryana New Pension Scheme-2008.**

With due regards , this is in continuation to the representation dated 10.1.2022 .It is submitted that I, Raj Kumar son of Sh. Baru Ram resident of village Jamawari Tehsil Hansi ( Hisar) , now retired on attaining the age of superannuation i.e. on 30.11.2016 (after rendering total 6 years services) from the post of Jr. librarian from Govt. College Aadmpur (Hisar).

1. That the then SSS Board (Now SCC) had issued an advertisement inviting applications for the 18 post of Junior librarian vide Adv. No.3/1988 published in News Paper on 7.7.1988 . I participated in the selection process and the result for the said posts was declared by the SSS Board on 29.3.1991. I, selected and placed at sr. no. 1 of the general cat. merit list .My name was recommended by the SSS Board to the your department for appointment. Your department did not make any appointment in view of some interim orders issued by the Hon,ble High Court in favour of the ad-hoc employees, who were holding the advertised post on ad hoc/stop gap arrangement. Despite the representations I, could not appointed in your department and lastly ad hoc employees were regularized on the posts against which I was selected . Then I constrained to file the civil writ petition no.15910 of 1992 before the Hon,ble High Court but unfortunately said writ petition admitted in the year 1992 and listed in the year 2010 and same was allowed on 14.5.2010 and Hon,ble High Court directed to the respondents to consider the petitioner for appointment within two months. Then I appointed/ joined the post on 12.1.2011 as Jr. Librarian in Govt. College Hansi ( Hisar) but in my appointment letter no such pension scheme i.e old or New scheme ,which I was offered . This act of your department has been illegal and unconstitutional.
2. That after appointed to the said post, I represented to your department to consider/include my name in Old pension Scheme and open my GPF account but your department did not listen anything. Lastly I, was retired from service , on attaining the age of superannuation i.e. on 30.11.2016 from the post of Jr. librarian from Govt. College Aadmpur (Hisar). I served your department from Jan.2011 to Nov. 2016 i.e only 6 years .
3. That Financial Department of Haryana Govt. issued the Notification on 22.8. 2008 of the New Pension Scheme -2008 will be applicable for those employees who was/were appointed on or after 1.1.2006. In as much, according to the govt., if this new scheme (NPS)was mandatory to the regular govt. employee who was/ were appointed on or after 1.1.2006 but your department, why did not open the my account under the new pension scheme till my retirement from service i.e Nov.2016. In this way, injustice has been done with me while no benefit was given to me of any pension scheme whereas , I was covered the old pension scheme, instead of new pension scheme NPS-2006 because my post was advertised in the year 1988 and result was declared of that post in the year 1991 than old pension scheme would be applicable, where the advertised posts and selection process was completed before 1.1.2006.
4. That the delay in appointment attributed by the department not by me . My appointment can be withheld on account of any fault or infirmity in selection but in my selection there was not fault or infirmity. Delay was committed by the your department than applicant cannot be penalized and cannot be deprived from inclusion in old pension scheme.
5. That applicant submitted varies RTI application whether any person /candidates appointed in the same selection list but your office did not provide correct information in this regard. Than applicant after long time i.e in the year 2020 submitted an application under RTI than your office had given correct information that one candidate namely Jai Shree d/o Sh. Raghubir Singh in same selection list of 1992 was appointed in the year 1994 as Jr. librarian , now today she is posted in Govt. College at Badli ( Jhajjar) her date of retirement is in the years 2025. She has GPF account according to old pension scheme from the same selection but this information was not provided by your office before 2020 under various RTI . In this way, now applicant is entitled for grant the deemed date of appointment to the applicant and benefit of seniority and notional pay fixation at par with the Jai Shree who is junior to the applicant in selection list prepared by the than SSS Board and she has joined their services prior to the applicant i.e in the year 1994 as per the merit list prepared at the time of selection pertaining to the advertisement dated 7.7.1988.In this way, discrimination has been done to the applicant in the same selection, same post and same department while not granting the benefit of seniority and notional pay fixation and old pension scheme and benefit of new pension scheme has also not granted .
6. That in the similar proposition Hon,ble Delhi High Court in WP(c) no. 2810 of 2016 titled as Inspector Rajendra Singh and others versus Union of India wherein the Hon,ble Delhi High Court had recorded that the basis terms and condition of service such as right to receive pension upon superannuation as applicable at the time of notification of the post cannot later be altered to the prejudiced of the incumbents to the post after commencement of the selection process. The aforesaid writ petition was allowed and direction was issued to the respondents to treat the petitioners as members of the Old Pension scheme.
7. That the case of the petitioner is squarely covered by the above mentioned judgment dated 27.3.2017 ,as in the present case the advertisement for the post of Jr. Librarian was issued on 7.7.1988 and result of its declare in the year 1991, at that time ,old pension scheme was in operation.
8. That in an identical /similar proposition ,the Hon,ble Delhi High Court in WP No. 756 of 2020 titled as Dr. Davinder Singh Brar **VS** U.O.I. had allowed the writ petition by directing the respondents to extend the benefit of old pension scheme vide order dated 28.1.2020. Said order was challenged by way of SLP to appeal no.173 of 2021and the same was dismissed vide order dated 4.2.2021 by the Hon,ble Supreme Court
9. That it is further submitted that in the similar circumstances ,the employees working with the Govt. of India made number of representations requesting for the benefit of pension scheme under CCS (Pension) Rules 1972 on the ground that their appointment was delayed on account of administrative reasons or lapses or for pendency of Court cases . The Govt. of India considered the matter and issued Office Memorandum no. 57/04/2019 –P &PW(B) on 17.2.2020 decided that in all case where the results for recruitment were declared before 1.1.2004 against vacancies occurring on or before 31.12.2003 ,the candidates declared successful for recruitment shall be eligible for coverage under the CCS (Pension) Rules 1972.
10. That the impugned action of your department in illegally not including the applicant in the Old pension Scheme and not grating the deemed date of appointment, notional pay fixation is illegal, arbitrary and deserves to be set aside.

You are requested to sympathetically consider and favourably decide on this petition **within 20 days** by passing a speaking order .however , I reserve the right to seek appropriate legal remedy and the department /Government shall be liable to bear the cost of litigation in that eventuality.

Yours sincerely

Raj Kumar son of Sh. Baru Ram r/o village Jamawari Tehsil Hansi ( Hisar) now retired from the post of Jr. librarian from Govt. College Aadmpur (Hisar).

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHNADIGARH

Review App. No. \_\_\_\_\_\_\_\_\_ of 2022

In Review App. no.RA-CW-115 of 2017

IN CWP No. 15910 of 1992

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| Raj Kumar | ...……..… Petitioner |
| VERSUS | |
| State of Haryana & Other | ……….… Respondents |

Application under Section 5 of the Limitation Act for of delay of days ,in filling the presant review application.

**RESPECTFULLY SHOWETH :-**

1- That the above said application was filed before this Hon’ble Court and applicant-petitioner very hopeful of its success on the basis of grounds taken therein.

1. That certain subsequent event has not taken places which has direct nexus to the issue at hand that petitioner rendered only 6 years service before his retirement (i.e. 2011 to 2016 ) again filed the many RTI applications (P-12) to provide the information regarding whether any appointment had given from the same selection list of years 1991 of junior librarian in Higher Education Department, Haryana but no correct information was provided by the respondents . Than petitioner in the year 2020 came to know that one candidate namely Jaishree has been appointed in the years 1994 from the same selection list (1991) ,who was junior most candidate in the said selection list and presently posted at Govt. College Badli ( Bahadurgarh) than petitioner filled the application through his friend under RTI Act and seek the information of her appointment letter. Copy of the RTI application /reply dated 19.3.2020 is attached herewith as **Annexure P-13.** Than respondent no.2. provided the information regarding this , that Smt. Jai Shree appointed as junior librarian in the month of Aug.1994 vide order dated 9.12.1993 in CWP no. 9587 of 1992 of this Hon,ble Court and now she is promoted from the post of junior librarian to senior librarian and posted in the Govt. College Badli ( Bahadurgarh) and she was appointed from the same selection list of the year 1991 vide adv. No. 3.1988 . It means that there was vacancy of the post of junior librarian in the years 1994 when she was appointed by the respondent and respondent concealed this information in the reply which was filed in CWP no. 15910 of 1992 mentioning in it that there is no vacancy at present, which was contamtoius action of the respondents and further, in all litigation pertaining to this controversy respondents withheld the information of appointment of the Smt. Jai Shree who was/is appointed from the same selection list . In this regard, copy of the appointment letter dated 30.8.1994 of the candidate i.e Jai shree and copy of the order dated 9.12.1993 in CWP no 9587 of 1992 vide which, her writ petition has been allowed by the Hon,ble High Court are attached herewith as **Annexure P-14 and P-15.**
2. **That**  after discovery of new facts i.e one appointed candidate i.e Jai Shree from the same selection list than petitioner is entitled to grant of deemed date of appointment from the year 1994 instead of 2011 as that has been given to other appointed junior most candidate candidate i.e Smt. Jaishree in pursuance of the same selection process and same selection list of the year of 1991( P-5) and grant of the benefit of seniority and notional pay fixation at par with the candidate/employee who has joined their services i.e on 30.8.1994 prior to the petitioner as per the merit list prepared at the time of selection pertaining to the advertisement no. dated 22.1.1988. (Ann.P-1)

It is humbly submitted, due to the reasons mentioned hereinabove now the present applicant-petitioner is approached this Hon’ble Court by filing present second review application, so due to which said delay of 818 days has been occurred but the same is neither intentional, nor deliberate.

2- That for sake of brevity, the grounds of review application could not be repeated here, which may kindly be read as part & parcel of this application also. Hence, the present application.

It is, therefore, respectfully prayed that the present application may kindly allowed and delay of days in filing the present second review application may kindly be condoned, in the interest of justice.

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| Place:Chandigarh  Dated: 20.03.2022 | [SURESH AHLAWAT]  ADVOCATE  COUNSEL FOR APPLICANT-PETITIONER |

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIRH

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|  | Review App. No. \_\_\_\_\_\_\_\_\_ of 2022  In Review App. no.RA-CW-115 of 2017  IN CWP No. 15910 of 1992   |  |  | | --- | --- | | Raj Kumar | ...……..… Petitioner | | VERSUS | | | State of Haryana & Other | ……….… Respondents |     Affidavit of Raj Kumar S/o Baru Ram resident of Village Jamawari Tehsil Hansi Distt. Hisar. | | |
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I, the above named deponent, do hereby solemnly affirm and declare as under:-

1. That accompanying application has been drafted by our counsel, on my instructions. Contents of the same has been read over and explained to me in Hindi, which I understand and admit to be correct. The contents of accompanying application may kindly be read as part of this affidavit. For the sake of brevity, contents of accompanying application have not been reproduced herein.

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| Place: Chandigarh  Dated: .04.2022 |  |

VERIFICATION:-

Verified that the contents of my above affidavit are true and correct to my knowledge and no part of it is false and nothing has been concealed therein.

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| Place: Chandigarh  Dated: .04.2022 |  |

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Review App. No. \_\_\_\_\_\_\_\_\_ of 2022

In Review App. no.RA-CW-115 of 2017

IN CWP No. 15910 of 1992

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| Raj Kumar | ...……..… Petitioner |
| VERSUS | |
| State of Haryana & Other | ……….… Respondents |

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COURT FEES

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Note: Total Court Fees of Rs. - is affixed here.

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| Place: Chandigarh  Dated: .03.2022 | [SURESH AHLAWAT]  ADVOCATE COUNSEL FOR THE APPLICANT-PETITIONER |

To Received 25.3.2011

State Public Information Officer,

Director- General, Higher Education Haryana

Shiksha Sadan, Sector-5 Panchkula

Subject:- Application under the RTI Act, 2005

Sir,

I, Prem Kumar son of Sh. Baru Ram resident of Village Jamawari Tehsil Hansi Distt. Hisar. I wants following information :-

1. That during the period 1991 to 2006 demand for fulfilling the post of junior librarian by all the Govt. Colleges , Library of Sub Tehsil and Distt. Library .
2. If demand is required than to provide the copy of all demand letters.
3. Above information be provided in the form of photocopy or written reply.
4. Above information be provided through speed post.

Applicant

Prem son of Sh. Raru Ram

Village Jamawri tehsil Hansi Distt. Hisar

86 –ch 11 **Date 17.3.2011**

**24.3.**

PO

Sd-

Speed Post

To

State Public Information Officer,

Govt. College ,Jind

To

Sh. Prem Kumar son of Sh. Baru Ram

Village Jamawari Tehsil Hansi

Distt. Hisar.

No. RTI/2011/125-126

**Dated 19.11.2011**

Subject:- Information required under RTI Act,2005 –Case

Above mentioned subject regarding letter no. 07/8/2011 LIB?RTI/11 dated 18.4.2011 by the Director-General Higher Education.

Required information is given below:-

1.That demand for fulfilling the post of junior Liberian for the period of 1991 to 2006 has been made.

2.That copy of demand letter is attached herewith.

3That information is providing in written reply.

State Information Officer

Govt. Collge Jind

No. RTI /2011 dated

**From**

State Public Information Officer,

Director- General, Higher Education Haryana

Shiksha Sadan, Sector-5 Panchkula

**To**

Sh. Rattan Panch son of Sh. Chandu Vill. Jamawari

Tehsil Hansi Distt. Hisar

No 3/12-2020 p.(2) **dated 19.3.2020**

Subject:- To provide the information under RTI Act,2005

In above stated subject your application dated 5.2.2020 received in this office on 12.3.2020 . Information para no. 1 to 5 is given below:-

1. That para no.1 only for information.

2. Regarding para no.2 ,joining report of Jai Shree is not available in private misl.

3 Para no.3 copy of appointment letter 30.8.1994 of Jai Shree is providing.

**4 Para no.4 date of appointment of Jai Shree is 9.9.1994 and her date of retirement is 30.4.2025.**

1. Para no. 5 Jai Shree has been promoted from the post of junior librarian to Senior librarian on 13.8.2010

Certified copy of Orders had been sent.

State Public Information Officer,

Director- General, Higher Education Haryana

Shiksha Sadan, Sector-5 Panchkula

To

State Public Information Officer,

Director- General, Higher Education Haryana

Shiksha Sadan, Sector-5 Panchkula

Subject :- Application to provide the information under RTI

Sir,

It is submitted that Haryana SSS Board vide adv. No. 7/81.6/86 and 3/88 cat. 4.7.and 21 , had sent the list of 13 posts of junior librarian on 29.3.1991 to provide the appointment letter . I want some information in this regard-

1.In above stated selection list , how much candidates have been appointed . Information be given with date of joining.

2. In the above stated selection list, how much candidates since retired if retired, in what date, to provide the detail information regarding this.

3. In above mentioned selection list, if any person still in service than these information be provided with post.

Above mentioned selection list of selected candidates is attached herewith.

----------------------------------- Applicant

**18.1.2019** Raj Kumar son of Sh. Raru Ram

Postal Order Vill Jamawari Distt. Hisar

Mob No. 7700075741

Roll No. 92

Sr. No.1 (Selection List)

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA

AT CHANDIGARH.

Review App. No. \_\_\_\_\_\_\_\_\_ of 2022

In

CWP No. 15910 of 1992

|  |  |
| --- | --- |
| Raj Kumar | ...……..… Petitioner |
| VERSUS | |
| State of Haryana & Other | ……….… Respondents |

2nd Application under Order 47 Rule 1 read with section 151 of CPC praying for Review the order dated 14.5.2010 ( Annexure P-6) in CWP no. 15910 of 1992 passed by this Hon,ble Court in view of .

**RESPECTFULLY SHOWETH:**

1. That the above said application was filed before this Hon’ble Court and applicant-petitioner very hopeful of its success on the basis of grounds taken therein.
2. That the above said writ petition has been filed by the petitioner in the year 1992 which was allowed vide order dated 14.5.2010 by this Hon.le Court vide which the respondents are directed to consider the petitioner for appointment within a period of two months, as the petitioner at the time of filing of this petition, petitioner was seeking appointment on the basis of his selection for the post of junior librarian in Higher Education department Haryana.
3. That petitioner applied for the post of Junior Librarian in response to the advertisement no 3/1988 dt. 7.7.1988 ( Annexure P-1) issued by the then SSS Board Haryana ( Now HSSC) , as many as total 18 posts of Junior librarian were advertised for Higher Education Department Haryana .Out of these 13 posts were reserved for different category and the remaining 7 posts were for general category and 5 for ESM/DESM and the petitioner applied for above said posts being fully eligible in general category .
4. That on the basis of the performance of the candidates in the interview, the Selection Board finalized the selection on 29.3.1991 . The petitioner was also amongst the selected candidates in the general category. On his further verification form the selection Board ,the petitioner came to know that he is at no.1 in order of merit amongst the general category candidates . The petitioner also came to know that his name had also been recommended to respondent no. 2 by the selection board for making appointment . A true copy of selection list dated 29.3.1991 of the junior librarian is annexed herewith as  **Annexure P-5 .**
5. That for some time , respondent no.2 did not take any action to appoint the duly selected candidates from the entire selection list inasmuch, as some ad-hoc appointees who were appointed by way of stop-gap arrangement to await recommendations of the selection board , had obtained stay of termination of their services form this Hon,ble Court .
6. That after awaiting for a sufficient period, for the offer of appointment , the petitioner approached this Hon,ble Court by filing CWP No. 15910 of 1992 but this petition had been admitted which was decided after 18 years i.e. on dt. 14.5.2010 and Hon,ble High Court directed to the State of Haryana to consider the petitioner for appointment whereas, respondents filed the reply in this case and stand of the respondent in this reply was that advertised posts are held up by the ad-hoc employees, there is no vacant post till date and there is no joining of any candidate in the selection list. A true copy of the order dated 14.5.2010 passed by the Hon,ble Singal Bench is annexed herewith as **Annexure P-6 .**

It is pertinent to mention that petitioner, who was only one petitioner in CWP No. 15910 of 1992 and he did not have any knowledge about any writ petition is being filled from the same selection list till his retirement from service i.e on 30.11.2016 because he was at no. 1 in the selection list.

1. That respondents after finding the petitioner entitled for the appointment as per their merit number (no.1) , issued the appointment letter dated 7.1.2011. On the date of appointment i.e. on 7.1.2011 his age was 52 years and only 6 years were left, for his service and after conducting medical examination of the petitioner meant for the first entry in to Govt. service ,petitioner joined with the department on 12.1.2011. A true copy of the appointment letter dated 7.1.2011 of the petitioner is annexed herewith as **Annexure P-7.**
2. That after joining the post i.e. Junior librarian by the petitioner in the years 2011 , respondents neither open his GPF account according to old pension scheme ,nor open his contributing account ,according to new pension scheme, whereas he was entitled for old pension scheme because his selection was made in the years 1991 i.e. before the new pension scheme -2006 and in his appointment letter (P-7) nothing has been mentioned regarding any pension scheme which would applicable upon him.

**9.** That before joining and after joining of service (i.e. year 2011 to 2020 ) the petitioner applied many times under the RTI, to find-out any person who joined the post of junior librarian from the same selection list of 1991( Annexure P-5) of 18 junior librarians in any Govt. College in Haryana State but the respondents did not give the correct reply or correct list of any person regarding joining of any person in the said selection list and intentionally withheld and such true information which is not disclosed in the all petitions filled by the petitioner that one candidate namely Jai Shree is being joined as junior librarian in the 1994 who was/is junior most candidate from the same selection list.

**10. That** petitioner after joining the said post (2011) he filed the Civil Writ Petition No. 11087 of 2015 before this Hon,ble Court prayed for seniority ,notational pay fixation and opining the GPF from the date of his selection (i.e from the year 1991). When this petition come up on 15.2.2017 than Hon,ble Court directed the petitioner to withdraw this petition and file the review petition in earlier petition i.e CWP no. 15910 of 1992 which was decided on 14.5.2010 (Annexure P-6) . Than petitioner filed the review petition against the order dated 14.5.2010 in C.W.P. no 15910 of 1992 but this review petition has been dismissed on 24.4.2017 due to delay of 2819 days . True copies of the order dated 15.2.2017 passed in CWP no. 11087 of 2015 and order dated 24.4.2017 passed in review application in order dated 14.5.2010 in the CWP No. 15910 of 1992 are attached herewith as **Annexure P-8 and P-9 respectively**. It is pertinent to mention here that respondent did not file the reply intentionally in the second petition i.e. CWP no. 11087 of 2015 whereas Honble Court directed the respondents to file the reply and last opportunity was also given but respondents intentionally did not fill the reply on last date of hearing . If respondents file the reply in the case than truth came out from the selection list that any candidate had joined or not in the selection list. But respondent no.2. in the reply dated 21.11.2017 of one legal notice dated 18.7.2017 misguided this very facts that they had filled the reply in this case.

1. **That**  petitioner again filed the second writ petition no. 20986 of 2017 on same cause of action i.e. prayed for seniority ,notational pay fixation and opining the GPF but this petition was also dismissed vide order dated 15.9.2017 .True Copy of this order is attached here as **Annexure P-10.** Than petitioner filed the LPA against this order but same is also dismissed by the Ld. Division Bench on 8.1.2018 . Copy of this order is attached herewith as **Annexure P-11.** Than petitioner filed the Special Leave Petition ( SLP) no. 9041 of 2018 before the Hon,ble Supreme Court which was also dismissed in limini on 16.4.2018.
2. That petitioner after rendering the total 6 years service without any blaming, retired on 30.11.2016 after attaining the age of superannuation but no benefit of any pension scheme has been granted.

**13. That now the present applicant-petitioner is again seeking to approach this Hon’ble Court by filing the instant second Review Application on the following grounds:**

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1. **That**  certain subsequent event has not taken places which has direct nexus to the issue at hand that petitioner after his retirement from service (year 2016) again filed the many RTI applications to provide the information regarding whether any appointment had given from the selection list of years 1991 of junior librarian but no correct information was provided by the respondents intentionally . In this regard some RTI applications are attached herewith as **Annexure P-12** .Than petitioner in the year 2020 came to know that one candidate namely Jaishree who was junior most candidate in the selection list of 1991 ( Annexure P-5) , has been appointed in the year 1994 and presently posted at Govt. College Badli (Bahadurgarh) than petitioner filled the application through his friend under RTI Act and seek the information of her appointment letter. In this regard copy of the RTI application /reply dated 19.3.2020 is attached herewith as **Annexure P-13.** Than respondent no.2. provided the information regarding this , that Smt. Jai Shree appointed as junior librarian in the month of Aug.1994 vide order dated 9.12.1993 in CWP no. 9587 of 1992 of this Hon,ble Court and now she is promoted from the post of junior librarian to senior librarian and posted in the Govt. College Badli ( Bahadurgarh) and she was appointed from the same selection list of the year 1991 vide adv. No. 3.1988 . It means that there was vacancy of the post of junior librarian in the years 1994 when she was appointed by the respondent and respondent conceal this information in the reply which was filed in CWP no. 15910 of 1992 mentioning in it , that there is no vacancy at present, which was contamtoius action of the respondents and in the second CWP No. 11087 0f 2015 reply has not been filed intentionally . A true Copy of the appointment letter dated 30.8.1994 of the candidate i.e Jai shree and copy of the order dated 9.12.1993 in CWP no 9587 of 1992 vide which, her writ petition has been allowed by the Hon,ble High Court are attached herewith as **Annexure P-14 and P-15.**
2. **That**  after discovery of new facts i.e one appointed candidate i.e Jai Shree who was junior most candidate from the same selection list than petitioner who was stood first in the selection list, is entitled to grant of deemed date of appointment with all consequence benefits from the year 1994 , as that has been given to other appointed candidate i.e Smt. Jaishree in pursuance of the same selection process and same selection list of the year of 1991 and grant of the benefit of seniority and notional pay fixation at par with the candidate/employee who has joined their services i.e on 30.8.1994 prior to the petitioner as per the merit list prepared at the time of selection pertaining to the advertisement dated 22.1.1988. (Ann.P-1)

**14. That** since the appointment of the petitioner was made against their merit number in pursuant to the selection list dated 29.3.1991,so in any eventuality ,the petitioner cannot be denied for the benefit either of pay or pension and other service benefits as the similar situated candidate as per the merit are already having their GPF accounts as per the rules prevailing at that point of time i.e. at the time of selection . It is held by the Hon,ble Court in similar cases in CWP no. 7703 of 2009 titled as Bir Singh and Others v/s State of Haryana , “ involving same issue that the pay of the petitioners would be notionally fixed from the date they have been assigned seniority . No arrear shall be paid from the date of seniority to the date of appointment. However ,the arrear from the date of appointment onwards on the basis of notional fixation of pay shall be paid. “

**15. That** it is further necessary to mention here that in another case this Hon,ble Court in CWP no. 1600-7 cat of 2007were pleased to issue the direction for appointment to the petitioners on the post of Sub-Inspector subject to suitability in accordance with the rule, further directing to the respondents to grant deemed date of appointment to the petitioners as that has been given to other appointed candidate in pursuance of the same selection process, but the petitioners will not be entitled for arrears of salary .However, such deemed date of appointment shall be taken into consideration for seniority and other consequential benefits etc.

**16. That** it is settled proposition of law that once the appointment is made strictly on the merit basis ,an employee cannot be discriminated only on the ground that he could not be issued appointment letter either due to pendency of the litigation or by adopting pick and choose method or due to the pendency of the litigation in that regard and on the other hand in that situation a condition which was not applicable over the candidate who has been selected in the same selection list ,cannot be made applicable over the present petition as even in the compelling circumstances when the petitioner has been issued the appointment letter after a long span .

**17. That** it is settled law that the method of ‘No Work No Pay” will be applicable in the case of present petitioner but in none of the circumstances the petitioner can be denied for notional pay fixation at par with the similarly situated employee and who has been permitted to join at the time of declaration of selection and seniority as well became the controversy has already been decided by various judgment. passed by this Hon,ble Court as well as by the Hon,ble Apex court.

**18. That** as per the judgment passed by this Hon,ble Court, the petitioner cannot be deprived of the benefits of seniority, notional pay fixation and other consequential benefits as the similar benefits have already been granted to the other similarly situated employee who has been appointed from the same merit list/select list.

**19. That** the petitioner represented to the respondents many times in person or through representation to grant the benefit of seniority , pay fixation and for pension but their genuine request not considered by the respondent . it is pertinent to mention here that when the grievances of the petitioner were not redressed by the department, ultimately, the petitioner got served upon a representation to the respondents on dated 31.1.2022 but till today no response has been received from the respondents. A copy of the representation dated 31.1.2022 is attached herewith as **Annexure P- 16.**

**20- That** the applicant-petitioner has not filed any such or similar application earlier in this Hon’ble High Court or before the Hon’ble Supreme Court of India except Review app. No. RA-CW-115 of 2017 which was dismissed .

It is, therefore, respectfully prayed that the present second review application may kindly be accepted and review the judgment dated 14.5.2010 passed by this Hon’ble Court in above said petition ( CWP no 15916 of 1992 ) be reviewed in view of latest development i.e. one candidate namely Jai Shree has been appointed in the year 1994 who was junior most candidate in the same selection list (P-5) prior to the petitioner from the same selection list pertaining to the post of junior librarian in the interest of justice.

It is further prayed that the applicants- petitioner may kindly be exempted from filing certified copies of Annexures and permitted to place on record the fare photo-state copies of the same, in the interest of justice.

Note: Affidavit is attached along with this application.

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| --- | --- |
| Place: Chandigarh  Dated:20.3.2022 | [SURESHAHLAWAT ]  ADVOCATE COUNSEL FOR APPLICANTS- PETITIONER |

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHNADIGARH

Review App. No. \_\_\_\_\_\_\_\_\_ of 2022

In Review App. no.RA-CW-115 of 2017

IN CWP No. 15910 of 1992

|  |  |
| --- | --- |
| Raj Kumar | ...……..… Petitioner |
| VERSUS | |
| State of Haryana & Other | ……….… Respondents |

Application under Section 5 of the Limitation Act for of delay of days ,in filling the presant review application.

**RESPECTFULLY SHOWETH :-**

1- That the above said application was filed before this Hon’ble Court and applicant-petitioner very hopeful of its success on the basis of grounds taken therein.

1. That certain subsequent event has not taken places which has direct nexus to the issue at hand that petitioner rendered only 6 years service before his retirement (i.e. 2011 to 2016 ) again filed the many RTI applications (P-12) to provide the information regarding whether any appointment had given from the same selection list of years 1991 of junior librarian in Higher Education Department, Haryana but no correct information was provided by the respondents . Than petitioner in the year 2020 came to know that one candidate namely Jaishree has been appointed in the years 1994 from the same selection list (1991) ,who was junior most candidate in the said selection list and presently posted at Govt. College Badli ( Bahadurgarh) than petitioner filled the application through his friend under RTI Act and seek the information of her appointment letter. Copy of the RTI application /reply dated 19.3.2020 is attached herewith as **Annexure P-13.** Than respondent no.2. provided the information regarding this , that Smt. Jai Shree appointed as junior librarian in the month of Aug.1994 vide order dated 9.12.1993 in CWP no. 9587 of 1992 of this Hon,ble Court and now she is promoted from the post of junior librarian to senior librarian and posted in the Govt. College Badli ( Bahadurgarh) and she was appointed from the same selection list of the year 1991 vide adv. No. 3.1988 . It means that there was vacancy of the post of junior librarian in the years 1994 when she was appointed by the respondent and respondent concealed this information in the reply which was filed in CWP no. 15910 of 1992 mentioning in it that there is no vacancy at present, which was contamtoius action of the respondents and further, in all litigation pertaining to this controversy respondents withheld the information of appointment of the Smt. Jai Shree who was/is appointed from the same selection list . In this regard, copy of the appointment letter dated 30.8.1994 of the candidate i.e Jai shree and copy of the order dated 9.12.1993 in CWP no 9587 of 1992 vide which, her writ petition has been allowed by the Hon,ble High Court are attached herewith as **Annexure P-14 and P-15.**
2. **That**  after discovery of new facts i.e one appointed candidate i.e Jai Shree from the same selection list than petitioner is entitled to grant of deemed date of appointment from the year 1994 instead of 2011 as that has been given to other appointed junior most candidate candidate i.e Smt. Jaishree in pursuance of the same selection process and same selection list of the year of 1991( P-5) and grant of the benefit of seniority and notional pay fixation at par with the candidate/employee who has joined their services i.e on 30.8.1994 prior to the petitioner as per the merit list prepared at the time of selection pertaining to the advertisement no. dated 22.1.1988. (Ann.P-1)

It is humbly submitted, due to the reasons mentioned hereinabove now the present applicant-petitioner is approached this Hon’ble Court by filing present second review application, so due to which said delay of 818 days has been occurred but the same is neither intentional, nor deliberate.

2- That for sake of brevity, the grounds of review application could not be repeated here, which may kindly be read as part & parcel of this application also. Hence, the present application.

It is, therefore, respectfully prayed that the present application may kindly allowed and delay of days in filing the present second review application may kindly be condoned, in the interest of justice.

|  |  |
| --- | --- |
| Place:Chandigarh  Dated: 20.03.2022 | [SURESH AHLAWAT]  ADVOCATE  COUNSEL FOR APPLICANT-PETITIONER |

From :-

State Public Information Officer,

Office of Principal Govt. College Narnaul.

To,

Sh. Prem Kumar son of Sh. Bani Singh

Village Jamawari Tehsil Hansi Distt. Hisar

No. GCN/2022/361 **Dated :- 12.3.2022**

Subject:- To provide the information under the RTI Act-2005

( According to information provided by the Office)

R/Sir

Regarding Your RTI Letter dated 21.4.2011 year 1991 to till 2006 .The post of Junior Liberian has been vacant time to time and according to order of Higher Education, Panchkula services has been provided by the Junior Librarian .

SPIO

Govt. College Narnaul

**SELECTION LIST FOR THE POST OF JUNIOR LIABRARIAN IN THE EDUCATION DEPARTMENT ,HARYANA**

Subject :- Recruitment to the posts of Junior Librarian in Education Department Haryana Adv. No. 7/81,6/86 & 3/88 Category No. IV,XV & XIX

The following candidates are hereby selected for the post of Junior librarian in Education department for the post of Junior Liberian in Education Department ,Haryana in order of their merit (Category wise) :-

**General Category**

Sr.No. Roll No. Name of the Candidate

1. **92 Raj Kumar son of Sh. Baru Ram**
2. 13 Km. Bala Rani d/o Raj Kumar Goyal
3. 18 Dewan Singh s/o Sh. Abhey Ram
4. 30 Gurcharan Singh s/o Sh. Teja Singh
5. 39 Inder Singh s/o Sh. Harphul Singh
6. 76 Phool Singhs/o Sh. Ram Mehar
7. 79 Raghuvir Singh Dahiya s/o Sh. Rai Singh

Scheduled Cast Category

1. 23 Darshna Kumari d/o Sh. Rattan Chand
2. 162 Kanwaljit Kaur d/o Sh. Mehtab Singh
3. 220 Hakir Chand s/o Sh. Mangat Ram
4. 272 Rameshwar Dass s/o Sh. Mange Ram

Backward Cast Category

1 12 Balbir Singh s/o Ram Singh

**ESM/DESM Category**

1. 243 Mehender Singh s/o Sh. Ram Chander

2 292 Shakuntla Devi d/o Sh. Hardwari Lal

3. 177 Neeta d/o Sh. Garib Dass

4 42 Jatinder Kaur d/o Sh. Harbant Singh

**5 229 Jai Shree d/o Sh. Raghbir Singh**

**Office of the Director Higher Education Haryana Chandigarh**

No. 7/25=94Sch./Lib.(3) Dated Chandigarh, **the 30th August,1994**

On the recommendation of Subordinate Services Selection Board, Haryana and in compliance with the **Hon,ble Court ‘s order dated 9.12.1993 in** **CWP no. 9587 of 1992,** the following appointment and posting is hereby made:-

**Sr. No. Name of the Appointed as College/Distt. w.e.f. Remarks**

**Candidate Library in which appointed Govt. College Against**

**1 Jai Shree d/o** Officiating Jr. Liberian **Narnaul**  Vacancy of Subedar Raghbir Singh ( Class-III) promotion Quota

Dalal,V& PO Assauda in the scale of

Teh.Bahadurgarh Rs. 1200-30-1500

Distt. Rohtak EB-40-2040

Note :- Her name was recommended against the post reserved for Ex –Service man and appointment is made in ex-service man Quota.

The appointment is subject to the following terms that:-

1. Her employment is subject to the condition That her character and antecedents are certified by the CID to be good.
2. The post is temporary but likely to continue, her confirmation against substantive post shall be considered on the basis of her senior and record of service ,if and when such post is available and subject to the condition set forth in no.1 above.
3. No TA will be admissible to her for joining the post .
4. Till she is confirmed her service will be liable to be terminated without assigning any reason by giving one month’s notice or one month salary or salary for such period for which the notice falls short of one month as the case may be in lieu thereof and in case she desires to resign from service she will have to give one month notice or deposit with the govt. one month ‘s salary or salary for such period for which the notice falls short of one month as the case may be in lieu thereof.

Xxxxxxx

9.Her seniority will be fixed in accordance with the departmental orders.

B.R. Vashist

Joint Director Colleges

O/o Director Higher Education Hr. Chandigarh

Endst no.7/25-94sch./Lib,(3) **dated Chandigarh 30August,1994**

Registered

1. Official concerned, In case the offer is acceptable she should report for duty to the Principal of the College (Where she has been posted ) on 30.8.1994 or by 30.9.1994 at the latest ,falling which the offer is liable to cancelled and the post will be offered to someone else. Her willingness to accept the offer should reach this office immediately on receipt of this order.

Xxxxxxxx

Joint Director Colleges

O/o Director Higher Education Hr. Chandigarh

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

Review App. No. \_\_\_\_\_\_\_\_\_ of 2022

In Review App. no.RA-CW-115 of 2017

IN CWP No. 15910 of 1992

|  |  |
| --- | --- |
| Raj Kumar | ...……..… Petitioner |
| VERSUS | |
| State of Haryana & Other | ……….… Respondents |

INDEX

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr.N | Particulars | Date | Page | C.F |
| 1 | Application u/s 5 of Limitation Act. | 20.3.2022 | 1-3 | 3.00 |
| 2 | Affidavit | .4.2022 | 4 |  |
| 3 | Application U/Order 47 Rule .1 r/w 151 CPC | 20.3.2022 | 5-14 | 3.00 |
| 4 | Affidavit. | . 4.2022 | 15 |  |
| 5. | **ANNEXURES** |  |  |  |
|  | A-1 ( Selection List) | 29.3.1991 | 16-17 | 2.00 |
|  | A-2 ( Appointment Letter | 7.1.2011 | 18-19 | 2.00 |
|  | A-3 ( Order of High Court | 15.2.2017 | 20-22 | 3.00 |
|  | A-4 ( RTI Applications/reply | ---------- | 23-30 | 5.00 |
|  | A-5 (Reply of RTI Application | 19.3.20/12.3.22 | 31-32 | 2.00 |
|  | A-6 ( Appointment Letter | 30.8.1994 | 33-36 | 3.00 |
|  | A-7 ( Order of High Court | 9.12.1993 | 37-42 | 3.00 |
|  | A-8 ( Representation ) | 31.1.2022 | 43-47 | 4.00 |
| 6. | Power of Attorney |  |  | 3.00 |
| 7 | **VERNACULARS** |  |  |  |
|  | A-4 ( RTI Applications/reply | --------- |  |  |
|  | A-5 (Reply of RTI Application | 19.3.2020 |  |  |

Total Rs. 33/-

Note :- Similar Case :- RA –CW-115 of 2017 in CWP No. 15910 of 1992

CHANDIGARH (SURESH AHLAWAT)

ADVOCATE

DATE: 20.3.2022 COUNSEL FOR APPLICANT-PETITIONER