

No. 42/06/2019-2GS-1

From

The Chief Secretary to Government Haryana.

To

1. All the Administrative Secretaries to Government Haryana.
2. All the Head of Departments and Divisional Commissioners of Haryana.
3. The Registrar, Punjab and Haryana High Court.

**Date : 25.06.2019**

**Subject: Regarding filling up the vacancies falling vacant due to resignation or death of newly appointed candidates during the currency of the waiting list.**

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Sir/Madam,

I am directed to invite your attention to the subject cited above and to inform that in CWP No. 15403 of 2011 titled as Varun Kumar Versus Haryana Staff Selection Commission decided on 17.07.2013, Hon'ble High Court has directed to treat vacancies created by resignation to be filled from the waiting list and not by fresh advertisement. An LPA No. 1537 of 2013 was admitted against this judgment but no interim stay has been granted by a Division Bench of the Hon'ble High Court. Rather, interim orders dated 29.08.2013 and 7.10.2013 were passed by the Division Bench directing that the respondent be permitted to join provisionally subject to final outcome of the appeal.

2. The background of the issue is that vide Govt. letter dated 20.1.1988 it was provided that Haryana Staff Selection Commission (then Board) shall prepare the waiting list for the vacancies up-to 25 @ 25%; for vacancies between 25 to 50 @15% and for vacancies above 50 @ 10% subject to minimum of two candidates. It was also decided that the main list as well as the waiting list shall remain valid for a period of one year from the date of recommendation. Thereafter, vide letter dated 07.10.1998, the instructions dated 20.1.1988 were modified to the extent that while making recruitment to various Group C posts on the basis of recommendation made by the Haryana Staff Selection Commission, the appointment would be restricted to the extent of advertised vacancies. It was also provided that the appointment from the waiting list would be made only if a candidate from the original list does not assume charge or any vacancy from this list remains unfilled for any other reason. Later on in view of the Hon'ble Supreme Court's judgment dated 18.11.2008 in Civil Appeal No. 6690 of 2008, vide letter dated 3.8.2009 it was decided that the currency of select list/waiting list would be deemed to be expired as soon as the number of posts advertised are once filled up. Once the number of vacancies advertised by HSSC has been filled or validity of select list or waiting list expired which ever was earlier in point of time, the waiting list shall be deemed to be inoperative. Any vacancy arising thereafter due to any reasons shall not be filled out of the relevant waiting list. However, said instructions dated 3.8.2009 were later on withdrawn.

3. The above issue has been inviting the attention of the Government for some time past. Sometimes vacancies arise due to resignation of newly selected candidates or due to unfortunate death of any newly appointed candidate. It has been noticed that when a new candidate joins and then resigns immediately thereafter, the departments treat it as a 'consumed vacancy' and then send a fresh requisition to HSSC for the said post, as per previous instructions.

4. Now, considering the ratio of the directions of the Hon'ble High Court in its order dated 17.07.2013 in CWP No. 15403 of 2011 cited above, Government has decided that all the vacancies in respect of Group 'C' and 'D' falling vacant for any reason including due to

resignation or death of newly selected/appointed incumbents during the period of validity of the waiting list shall be filled up from the waiting list and there is no need to advertise such vacancies again till the waiting list is alive/operative.

5. These instructions shall also be applicable to all the waiting lists which are in operation at the moment.

These instructions may please be brought to the notice of all concerned for strict compliance.



Under Secretary, General Administration,  
for Chief Secretary to Government Haryana

Endst. No. 42/06/2019-2GS1

Dated Chandigarh, the 25<sup>th</sup> June, 2019

A copy is forwarded to the following for information and necessary action:

1. The Secretary, Haryana Staff Selection Commission,
2. The Chairman, Public Bureau of Public Enterprises, Haryana



Under Secretary, General Administration,  
for Chief Secretary to Government Haryana