

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP no.16744 of 2013(O&M)

Date of Decision :14.10.2015

Parmod

....Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

- 1)Whether reporters of local newspapers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

Present : Mr.S.S.Khurana, Advocate for the petitioner

Mr. Ashok S Chaudhary, Addl. AG, Haryana

**MAHESH GROVER, J.**

The petitioner prays for appointment as a Conductor. He had applied, appeared and contested alongwith several other aspirants to be declared successful in the list issued by the Haryana Staff Selection Commission on 1.2.2012. The petitioner was given an offer of appointment on 25.5.2012 but just after a few days i.e 28.5.2012 the petitioner met with an accident invalidating him for some period of time. He suffered compound fracture of both bones in the left leg. Since his movement was disabled the petitioner sent a letter to the respondents urging them to keep his appointment in abeyance on account of his

inability to join the service. The petitioner finally recovered on 15.4.2013 and

submitted his request for appointment on 18.4.2013. He was informed that his case had to be sent to Headquarters as sufficient time had elapsed and now appointment has been declined only on the ground that the post could be kept vacant only for one year which expired on 8.2.2013. The petitioner has thus been denied the appointment.

Learned counsel for the petitioner contends that the post is still lying vacant however, learned counsel for the respondents plead no instructions in this regard.

In any eventuality considering the fact that there is sufficient material to show that the petitioner was unable to avail offer of appointment in view of the fracture in both bones of his left leg, I am of the opinion that respondents should not insist on hyper-technical approach to deprive the petitioner of appointment to which he was validly entitled to after competing with numerous other aspirants. He was given offer of appointment on 25.5.2012 and therefore his right to avail appointment fructified on that date itself. The period of one year for selection list to be alive should not therefore be given a restrictive meaning, particularly, when the petitioner had sufficient cause to justify his inability to avail appointment at that relevant point of time. Besides the petitioner has been constantly requesting the respondents for extension of time which would keep his claim alive. It is not a case where the petitioner has abandoned his claim altogether.

Therefore, taking all the aforesaid facts into consideration

cumulatively I deem it appropriate to accept the petition and respondents are directed to appoint the petitioner as Conductor however subject to completion of other formalities which usually accompany the appointment and subject to the condition that petitioner fulfills all other conditions.

October 14, 2015

rekha

**(Mahesh Grover)**

**Judge**