

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.18907 of 2013
Date of decision : 19.10.2015**

Gurmej Singh

....Petitioner

Versus

State of Haryana & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE MAHESH GROVER

Present: None for the petitioner.

Mr. Hitesh Pandit, Addl. AG, Haryana.

Mahesh Grover, J. (Oral)

There is no representation on behalf of the petitioner. Even on the previous two dates, no one appeared on behalf of the petitioner.

The petitioner has prayed for quashing the order dated 18.03.2013 (Annexure P-4) whereby the appointment of the petitioner to the post of Agricultural Development Officer was cancelled.

Conceded position is that the petitioner was indeed selected to a post of Agricultural Development Officer. By virtue of Annexure P-4, the appointment was cancelled on the ground that the petitioner had failed to submit joining report within the prescribed period.

Reply to the petition has been filed admitting the fact that the petitioner was selected and given 15 days time from the date of issuance of appointment order to join the said post, however, the petitioner made a request on 10.12.2012 stating that he is working with M/s Vardhman Textile Ltd., Ludhiana and engaged in Cotton Procurement Operation. He thus, prayed for extension of time upto 31.03.2013, which was accepted even though the respondents did not consider the reason given by the petitioner as an

unavoidable circumstance. He was given time to join the post upto 20.01.2013. The petitioner again made a similar prayer on 20.02.2013 stating that he was engaged in Cotton Procurement Operation at Ahmedabad. This plea was declined and conveyed to the petitioner vide letter dated 18.03.2013 and the appointment was then offered to the candidate in the waiting list i.e. Sh.Rajesh Kumar.

This reply was filed in March, 2014 and has remained uncontroverted as no counter-affidavit has been filed.

There is no representation on behalf of the petitioner also thereafter. This leads to an irresistible conclusion that unrebutted stand of the respondents is justified. If the petitioner had been offered an appointment and his prayer for extension of time was also accepted, it was for him to avail the concession but he could not pray for keeping the appointment in abeyance by making repeated requests in that regard. The respondents were absolutely justified in declining the second prayer of the petitioner and to offer the appointment to the candidate next in the waiting list.

There is no merit in the petition and the same is dismissed.

19.10.2015
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(Mahesh Grover)
Judge