

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17029 of 2015

Date of Decision: 18.08.2015

Yuvraj Saini

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. N.S. Boparai, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

No evidence has been placed on record to show that the recommendations made by the Subordinate Services Selection Board had fructified into appointments. In the absence of acceptance of the recommendations, the writ is premature.

Mr. N.S.Boparai draws attention of this court to the order passed by this court in CWP # 12331 of 2015 filed by the petitioner which was disposed of on June 11, 2015 with the following directions:-

“On considering the submissions made by the counsel for the petitioner, this Court is of the view that the present writ petition is premature as it is for the competent appointing authority i.e. the Government, Labour and Employment Department, Punjab, to accept or not to accept the recommendations. Mere recommendations does not confer any right upon any candidate and, therefore, as of now, no right has accrued to the petitioner or even to the candidates whose names have been recommended. In case

the recommendations are accepted and appointments are issued to the post of Labour Enforcement Officer Grade-2, which is not in accordance with the statutory Rules/Advertisement dated 16.10.2014 (Annexure P-3), the petitioner may approach the Court at that stage. The writ petition is disposed of with above observations.”

The order is clear. Liberty to approach the court would arise when the recommendations of the Board are accepted and appointments are issued to fill the post of Labour Enforcement Officer Grade-2.

No appointment order has been placed on record. Therefore, the writ is premature and in view of the law laid down by the Supreme Court in **Mrs. Kunda S. Kadam vs. Dr. K.K. Soman and others**, AIR 1980 SC 881 holding that a writ would not lie if appointments are not offered and recommendations accepted by the appointing authority.

Dismissed as premature with the liberty to approach this court again in case appointment orders are issued to the successful candidates and there are grounds of challenge.

(RAJIV NARAIN RAINA)
JUDGE

18.08.2015
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