

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.19097 of 2015
Date of decision: 10.9.2015

Mandeep Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Dharmender Singh Rawat, Advocate for the petitioner.

G.S.SANDHAWALIA, J, (Oral)

In the present writ petition, the petitioner seeks a writ of Mandamus for consideration of her case for granting appointment to the post of Mining Officer against left out vacant posts.

It is the case of the petitioner that in pursuance of the advertisement dated 8.10.2013 (Annexure P/2), 8 posts of Mining Officers have been advertised and the category wise break up of the posts is as under:-

Sr.No.	Category Code	Name of Category	No. of posts
1.	71	General	2
2.	72/73	ESM/DESM	02
3.	76	Handicapped (visually impaired) 76-A	01
4.	77	S.C.other, Punjab	1
5.	81	Balmiki/Mazbhi Sikh, Punjab	01
6.	85	B.C.Punjab	1
		Total	8

It is the further case of the petitioner, who is a general category candidate that she secured 5th rank in the merit list declared by the Punjab Public Service Commission and the appointments were offered to one Tandeep Singh Dhaliwal and one Ms. Reetika who did not join within

stipulated period. There was no application for one of the post reserved for Ex-serviceman and handicapped category and also for the Mazbhi Sikh. The petitioner had filed a representation on 20.1.2015 (Annexure P/4) that the de-reservation of the post of Ex-serviceman and handicapped quota be done and the petitioner be appointed on the basis of qualification and merits. Respondent no.2 wrote to respondent no.3 on 25.3.2015 (Annexure P/5) for the de-reservation of the reserved posts and conversion to the general category posts on account of the fact that work in the Mining Department has increased manifolds and lot of Court cases are pending but no action has been taken on the same. Even a legal notice dated 15.6.2015 (Annexure P/9) has been served upon the respondents for issuance of appointment but no action is being taken.

Counsel for the petitioner submits that he would be satisfied if a direction is issued to the respondents to decide the legal notice dated 15.6.2015 (Annexure P/9) within some time frame.

Keeping in view the limited relief sought by the petitioner, this Court does not feel necessary to call upon the respondents to file their reply.

Accordingly, without commenting upon the merits of the case, the present writ petition is disposed of with a direction to respondent no.3 to take action on the communication dated 25.3.2015 (Annexure P/5) within a period of one month from the date of receipt of a certified copy of this order. Respondent no.1 will thereafter take action on the legal notice dated 15.6.2015 (Annexure P/9) and consider the case of the petitioner for appointment against the alleged vacancies, if any, within a period of two months. Needless to say that in case relief is to be denied to the petitioner then a reasoned order be passed by the said respondent

The present writ petition is disposed off with the aforesaid directions.

September 10, 2015
Pka

(G.S.SANDHAWALIA)
Judge