

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.9092 of 2013
Date of decision: 24.08.2015

Rohit

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: Mr. M.S. Dhami, Advocate
for the petitioner.

Ms. Balwinder Kaur, Sr. Panel Counsel
for UOI.

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HARINDER SINGH SIDHU, J.

Respondent No.2 issued an advertisement dated 12-18.11.2011 (Annexure P-1) for employment of category Mazdoor (Group-C), total 13 posts. The petitioner is a handicapped and applied for the said post Category Mazdoor (Group-C). He was issued an appointment letter dated 21.02.2013 by respondent No.2, as per which, he was asked to report on or before 11.03.2013. When he approached the respondent on 12.04.2013, along with above letter and other documents, he was informed that the offer of appointment had been erroneously sent to him by letter dated 21.02.2013 and that when the mistake was noticed offer was directed to be treated as cancelled vide letter dated 05.03.2013. The petitioner has filed the present writ petition impugning the letter of cancellation dated 05.03.2013 (Annexure P-4).

In the reply filed on behalf of the respondent, it has been stated that vide publication dated 12.11.2011, vacancies for recruitment of 04 Firemen and 13 Mazdoors were released by the respondents. Out of the said 13 vacancies of Mazdoors, 08 were kept for General Category and 05 were from OBC Category. Meanwhile, 03 vacancies of Firemen and 38 vacancies of Mazdoors were also released and corrigendum dated 01.02.2012 was published for all the vacancies i.e. 07 for Firemen and 51 for Mazdoors. The physical test was conducted on 25th & 26th June, 2012 and written test was held on 27th June, 2012 for those who qualified the physical test. The Interview was held on 29th June, 2012 of those individuals, who passed the written test.

After completing the entire process, the merit list of 51 Mazdoors was displayed in which the name of the petitioner did not figure. However, a reserve list was also prepared in which the name of the petitioner found mention. It is stated that appointment letter dated 07.07.2012 was issued to one Sh. Sajagane Sagar Laxman, who however, did not join the service as he had already got the job of primary teacher with Government of Maharashtra.

On receipt of said refusal letter, the respondent inadvertently issued the letter to the petitioner, who ranked at Sr. No. 442 in the reserve list, whereas the letter was to be issued to one Sh. Shyamvir S/o Moti Lal, who was at Sr. No.441 in the reserve list. When the error was noticed, immediately a telegram for cancellation of his appointment was sent to the petitioner.

In order to verify the correctness of the assertion, the original record was called for.

I perused the original record. In the combined merit list of the candidates, the name of the petitioner is at Sr. No. 442 and he is shown to have secured a total of 43.142857 marks whereas Sh. Shyamvir figured at Sr. No.441 and he had secured 43.148751 marks. Thus, it is clear that the petitioner is lower in merit than Sh. Shyamvir and the appointment letter inadvertently sent to him was rightly cancelled.

Dismissed.

(Harinder Singh Sidhu)
Judge

24.08.2015
Atul