

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

LPA No. 962 of 2011

Date of Decision:-06.07.2015

The Managing Director, HVPN Limited,

.....Appellant

Versus

Raghu Nandan and others

.....Respondents

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL.
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU.

Present:- Mr. Mohnish Sharma, Advocate
for the appellant.

Mr. Sandeep Moudgil, Addl. AG Haryana.

SATISH KUMAR MITTAL, J.(Oral)

In pursuance to the advertisement issued by the appellant for recruitment on 15.1.2004, Raghu Nandan, respondent No.1, was selected as Junior Engineer (Electrical) by the HVPN Limited (appellant herein). The appointment letter was issued to him but he did not report to join on the post. Later on, in his place the next selected candidate in merit was given appointment. Thereafter, he filed CWP No.20069 of 2009 for issuing direction to the respondents to permit him to join on the aforesaid post, in terms of the appointment letter dated 10.1.2006. The said writ petition was allowed and the appellant was directed to offer the appointment to the petitioner immediately.

The appellant challenged the said order dated 24.2.2011 of the learned Single Judge, by filing the instant appeal. On July 25, 2011, the operation of the impugned judgment was stayed. Respondent No.1 did not appear inspite of the substituted service effected upon him. Ultimately as no one put in appearance on behalf of respondent No.1, he was proceeded ex parte and appeal was admitted. Till date none has appeared on behalf of respondent No.1. Counsel for the appellant has submitted that respondent No.1 appears to be not interested in the said job and he might have joined somewhere else. Counsel further informs that the next person who was given appointment in his place is still working.

In view of these facts, let the person who has been appointed in place of respondent No.1 shall continue as respondent No.1 who is not interested and never came forward to join the post, appears to have abandon his right.

In view of these facts, this appeal is allowed and the order of learned Single Judge, is set aside.

It is made clear that in case respondent No.1 moves an application for recalling of this order he will have the said liberty.

(SATISH KUMAR MITTAL)
JUDGE

06.07.2015
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(HARINDER SINGH SIDHU)
JUDGE