

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

LPA No.1458 of 2015(O&M)

Date of decision:15.12.2015

Hemant Kumar

....Appellant

VERSUS

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. Raj Kumar Bhatia, Advocate for the appellant.

HEMANT GUPTA, J.(Oral)

The present Letters Patent Appeal under Clause X of the Letters Patent is directed against an order passed by a Single Bench of this Court on 18.08.2015 whereby the writ petition filed by the appellant claiming posting orders to the post of Senior Laboratory Attendant remained unsuccessful.

It appears that the petitioner was offered appointment of the post of Senior Laboratory Attendant on 30.11.2011 (wrongly mentioned as 30.05.2011 in Annexure P-5). The letter of appointment had a clear stipulation that a candidate has to join not later than seven days from the date of receipt of letter of appointment failing which, the appointment order will be liable to be cancelled.

Admittedly, the appellant did not join in terms of the letter of appointment but submitted joining letter on 14.01.2013 after an

advertisement (Annexure P-6) was published on 09.01.2013 granting an opportunity to the selected candidates to report for duty with Director Public Instructions, (SC) Recruitment Branch Punjab within 15 days of the advertisement. The translated version of the public notice dated 09.01.2013 (Annexure P-6) reads as under:-

“For the schools of Education Department, Punjab had issued an advertisement for filling up 7654 vacancies in different subject, which include the vacancies of Master/Mistresses, Vocational Master and Art and Craft. Selected candidates during counseling were issued appointment letters. Now, department has taken decision, to gave a last opportunity to report, for selected candidates who had already issued appointment. Candidates are directed to report at the office Director Public Instructions (SC), Recruitment Branch Punjab within 15 days of the advertised public notice.”

Earlier, the appellant filed a writ petition and a direction was issued to decide the representation. The Director Public Instructions has thereafter, decided the representation on 24.04.2014 wherein it has been pointed out the petitioner was posted as Senior Laboratory Attendant in Government Senior Secondary School (Boys) Boha (Mansa) vide appointment letter dated 30.11.2011 but failed to join the duties within the stipulated period. It is mentioned that though the advertisement was issued but the same advertisement was scrapped at a subsequent stage.

We have heard learned counsel for the appellant and find no merit in the present appeal. The public notice pertains to 7654 vacancies in different subjects including the vacancies of Master/Mistresses, Vocational Master and Art and Craft. There is no mention of the post of Senior Laboratory Attendant nor there is any assertion that the appellant was an applicant in respect of 7654 vacancies advertised. The fact remains that

the appellant failed to join the duties when he was offered appointment on 30.11.2011. Once the selected candidate has failed to join duties, he cannot claim right to join at his choice at any point of time. The advertisement, basis of the claim of the appellant, also stands scrapped.

We do not find any error in the findings recorded by learned Single Bench which may warrant interference in the present intra-Court appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

DECEMBER 15, 2015
'D. Gulati'

(RAJ RAHUL GARG)
JUDGE