

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

LPA No. 788 of 2015 (O&M)

DATE OF DECISION : 20.07.2015

Narinder Singh

.... APPELLANT

Versus

The State of Haryana and others

.... RESPONDENTS

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

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Jai Singh Yadav, Advocate,
for the appellant.

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SATISH KUMAR MITTAL, J. (Oral)

This instant intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 01.04.2015 passed by the learned Single Judge, whereby the writ petition (CWP No.16641 of 1994) filed by the appellant seeking direction to respondents No.1 and 2 to appoint him to the post of Inspector, Wild Life in the Department of Wild Life, Haryana, has been dismissed.

Though there is delay of 20 days in filing the instant appeal, and the appellant has filed application (CM No. 1654-LPA of 2015) for condoning the said delay, yet we have heard learned counsel for the appellant on merits and have gone through the impugned order passed by the learned Single Judge.

After hearing learned counsel for the appellant and going through the impugned order passed by the learned Single Judge, we do not find any merit in the instant appeal.

Undisputedly, in pursuance of the advertisement dated 07.04.1992 (Annexure P-1), the appellant applied for the post of Inspector, Wild Life. Vide the said advertisement, two posts of Inspector, Wild Life, from the General category, were advertised. The appellant was selected and recommended at Sr. No. 3 in the merit list of the General category. First two persons in the merit list were given appointment and the appellant was kept at Sr. No. 1 in the waiting list.

The case of the appellant is that in the advertisement, it was specifically mentioned that number of posts are liable to be increased and decreased. According to the appellant, the posts of Inspector, Wild Life, were available in the department, therefore, he should have been given the appointment against those vacant posts. It was the stand of the respondents that no post of Inspector, Wild Life, was available, as some of the candidates who were working on ad hoc basis were allowed to continue because of the interim order passed by this court, therefore, appointment was not given to the appellant. In these circumstances, the learned Single Judge has observed that the appellant has no right on the post, and he was rightly kept at Sr. No.1 in the waiting list, and no person junior to him in the merit list was given appointment. It has also been observed that after more than 21 years

of selection, at this stage, no relief can be granted to the appellant. We do not find any illegality in the order passed by the learned Single Judge. Admittedly, no candidate junior to the appellant in the merit list was given appointment. Two candidates who were more meritorious than the appellant were appointed and the appellant was kept at Sr. No.1 in the waiting list. Since no post was available in the department, the appellant was rightly not given appointment. Thus, the appellant has no legal right on the post.

In view of the above, we are not inclined to interfere with the order passed by the learned Single Judge.

No merit. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

July 20, 2015
ndj

(HARINDER SINGH SIDHU)
JUDGE