

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

R.S.A. No. 5050 of 2012 (O&M)

Date of decision:- 03.07.2015

Prem Singh and another

...Appellants

Versus

Divisional Manager & anr.

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Anil Rana, Advocate
for the appellants

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RITU BAHRI J.

This regular second appeal is directed against the concurrent findings of facts recorded by both the Courts below whereby the suit of the plaintiffs-appellants (herein after to be referred as 'the appellants') was dismissed.

Brief facts of the case put forth by the appellants is that they were referred by the Employment Exchange Chandigarh for appointment to the post of Peons to respondent No. 1. The appellants were asked to appear for written test and later on they appeared before the Interview Committee in the office of respondent No. 1 on

28.09.1993 and selected by Interview Committee, vide reference NO. P&1R/Rec 1993 (E). The selection list was prepared and the name of appellant No. 1 was at Sr. No. 20 and the name of the appellant No. 2 was at Sr. No. 23 in the said list. The appellants were asked to conduct the medical and also produce original certificates to respondent No. 1. They conducted their medical in the year 2004 and presented the same with original certificates to respondent No. 1 and requested to issue appointment letters to the appellants, but to no effect. They filed CWP No. 17318 of 2006 before this Court where respondents appeared and assured the appellants that they will issue the appointment letters to the appellants. The writ petition was withdrawn by the appellants but thereafter the respondents did not admit their claims.

On notice, the respondents appeared and filed the written statement and on merits admitted that the appellants were called for interview. In the final ranking list, the number of Prem Singh and Sewa Singh were at Sr. No. 56 and 51 and not 21 and 23. The list issued on 21.01.1994 to the Regional Employment Exchange, Chandigarh and 58 candidates were selected for appointment to the post of Peon. Only Sewa Singh was called for interview for medical examination but the letter dated 22.07.2004 was not appointment

letter. As per the ranking list, 60 candidates were enrolled as per instructions received from Zonal Officer, Higher Office and pending panels were scrapped.

Before the trial Court, D.W.1 affirmed that vide letter dated 23.11.2007, the panel was scrapped and caveat for scrapping of the panels were filed in the Court and necessary information was given to the appellants and other candidates. The name of Sewa Singh was not considered as there was no roster point available for SC category. The appellants cannot be granted any benefit of appointment given to other candidates pursuant to the judgment and decree dated 03.12.2003 filed by one Prashant, as the said judgment was passed prior to scrapping of the list. The appellants had not challenged the scrapping list.

Thus, both the courts below have rightly dismissed the suit of the appellants as mere selection does not confer a right of getting appointment. This view has been consistently followed in various judgments by Hon'ble the Supreme Court in case of ***U.P. Bhumi Sudhar Nigam Ltd. v. Shiv Narain Gupta, 1994(4) RSJ 443, balakrushna Behera and another vs. Satya Prakash Dash 2008(1) RSJ 253, Shankarasan ash v. U.O.I 1991(1) RSJ 228, State of Bihar and others v. Mithiles Kumar, 2010(13) SCC 467 and Rakhi Ray***

and others vs. The High Court of Delhi and others, 2010(2) SCC

637 and by this Court in a case of State of Haryana v. Dr. Prem Singh Mann, 1996(3) PLR 799.

In view of the above, the judgments passed by both the Courts below, calls for no interference. No substantial question of law arises for adjudication by this Court.

Accordingly, appeal is dismissed.

03.07.2015

G Arora

(***RITU BAHRI***)
JUDGE