

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

CWP No.13122 of 2016

Date of Decision: 05.08.2016

Resham Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. C.S. Singhal, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for setting aside order dated 19.04.2016 (Annexure P-6) and also for issuance of a writ in the nature of *mandamus* directing the respondents to take the petitioner on duty as the Society is running in profit.

Learned counsel for the petitioner submits that the petitioner was considered for selection to the post of Peon and he was selected but thereafter, he was not appointed. Earlier the petitioner had filed **CWP No.4130 of 2016**, which was disposed of with a direction to the respondents to consider the legal notice dated 12.01.2016 and to pass an appropriate order in accordance with law within a period of two months from the date of receipt of a certified copy of the order.

In reference to the said directions, the claim of the petitioner

has been rejected vide order dated 19.04.2016, which is subject matter of challenge in the present petition.

Heard the arguments of learned counsel for the petitioner and have also perused the impugned order as well as other documents available on the file.

Admittedly, as per directions issued by this Court in **CWP No.4130 of 2016**, the case of the petitioner was considered. It was mentioned that the petitioner was considered by the Committee but there was no representation of the Deputy/Assistant Registrar and no reference was made by the society to the DRCs or ARCs for sending their representative. A decision was also taken that in view of the loss being suffered by the society, no post is to be filled up till the improvement of financial position. Even the statement of the Secretary of the Society was recorded on 11.04.2016 during the course of hearing when decision was taken as per directions issued by this Court and it was mentioned that the Society has been running into loss to the tune of ₹ 4,76,524/- as per balance sheet dated 31.03.2015. The claim of the petitioner has been rejected on the ground that the sub-committee, which has selected the petitioner to the post of Peon was not constituted as per rules as neither the nominee of the Government was present nor it was mentioned that the Society was not running into loss. It has come in the statement of Secretary of the Society that still the Society is running into loss and the Sub Committee constituted for that purpose was not constituted as per rules of the Society.

The appointment cannot be claimed as a matter of right, whereas, the petitioner was selected by the Committee, which was not duly

constituted.

No ground is made out to interfere with the matter and the petition, being devoid of any merit, is hereby dismissed.

05.08.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>