

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

CWP No. 1630 of 2016
Date of decision: 27.01.2016

Madhu Sharma

....Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Saurabh Arora, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks directions for consideration of representation to allow her to join at ITI, Haryana, District Hoshiarpur to the post of Craft Instructor which allegedly is lying vacant. In the alternative, she seeks to join at Industrial Training Institute, Nangal, District Roopnagar where the petitioner was initially offered appointment.

It is not disputed that the petitioner was appointed on 15.05.2015 (Annexure P-4) on the said post. As per the terms and conditions of appointment and as per clause 4, the petitioner can be transferred anywhere in the Punjab State. The said clause reads thus:-

“4. You can be transferred anywhere in Punjab State or India or any other place managerial control of Punjab Government, if required.”

She had to report within 21 days at Nangal otherwise, the offer was deemed to be cancelled. The said clause reads thus:-

“12. If you want to avail appointment on above conditions, then kindly give your consent and present

report within 21 days of issuing of this letter directly to the Principal/Incharge Industrial Training Institute (E) Nangal otherwise this offer will be deemed to be cancelled.”

For the reasons best known to the petitioner which are now sought to be explained in the representation dated 26.11.2015, she never joined at Nangal. Now, she seeks a direction that her case be considered as per the representation. The petitioner was given a letter of appointment on the terms and conditions, as mentioned above. If the petitioner has opted not to join within the time prescribed, the State is not to wait forever for the petitioner to join at her own convenience. In the absence of any such legal right, she cannot seek a writ of mandamus in the positive.

Resultantly, the present writ petition is dismissed.

27.01.2016
shivani

(G.S. SANDHAWALIA)
JUDGE