

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 19923 of 2015
Date of Decision : 04.08.2016

Jyoti Chahal

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr.I.P.Goyat, Advocate
for the petitioner.

Mr. Sudhir Nar, Advocate
for respondents No.1 and 2.

Mr. Deepender Singh, Advocate
for respondents No.3 to 5.

P.B. Bajanthri, J.(Oral)

In the instant writ petition, the petitioner has questioned a communication dated 08.09.2015 (Annexure P-13) by which petitioner's appointment dated 17.06.2015 and 24.06.2015 stood cancelled.

The petitioner is stated to have been appointed in Canara Bank and working as a Marketing Officer. Respondent No.3 issued advertisement to the post of Assistant Manager Grade 'A'. Petitioner is one of the candidate for the recruitment. She has cleared her examination and interview. Thereafter, she was offered appointment to the post of Assistant Manager Grade 'A' on 12.11.2014 (Annexure P-6). Due to administrative

reason, the petitioner was not relieved from the Canara Bank in order to join in the office of respondent No.3-SIDBI Bank against the post of Assistant Manager Grade 'A'. The petitioner requested the third respondent to extend joining period. Joining period was extended from time to time. Thereafter, on 18.06.2015, final appointment order was issued to the petitioner and she has joined service and completed training at Gurgaon. The Supreme Court quashed the notification relating to inclusion of JAT Community under OBC category. Since the petitioner's candidature under OBC (JAT Community) thus the third respondent cancelled her appointment with reference to the decision of the Supreme Court. Later on, Supreme Court clarified that who were already selected and appointed and who are working their services be protected. In the present case, the petitioner was offered appointment on 12.11.2014. She has joined in the month of July 2015 which is subsequent to the Supreme Court decision. Therefore, appointment order issued to the petitioner against one of the OBC vacancy has been cancelled.

It is undisputed that the petitioner has not been given an opportunity before cancellation of her appointment. In the meanwhile, Union of India issued general circular on 17.06.2015 while giving clarification sought by banks in respect of OBC candidates belonging to JAT Community after Supreme Court judgment dated 17.03.2015.

In view of these facts and circumstances, cancellation of appointment order dated 08.09.2015 is liable to be set aside only on the sole reason that the petitioner had not been provided an opportunity with reference to the Supreme Court decision read with the clarificatory order of

the Supreme Court and official memorandum 17.06.2015 issued by the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training. The petition is allowed. Annexure P-13 dated 08.09.2015 is set aside reserving liberty to the respondents No.3 to 5 to take fresh step relating cancellation of appointment of the petitioner by issuing necessary show cause notice under what circumstances her appointment can be cancelled.

Issuance of appointment order dated 12.11.2014 and extension of joining period from time to time, these issues are to be taken into consideration before issuing notice to the petitioner for cancellation of appointment order.

Petition stands disposed of.

August 04, 2016.

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**(P.B. BAJANTHRI)
JUDGE**

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No