

C.W.P No. 5680 of 2012

(1)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 5680 of 2012

DATE OF DECISION: 11.08.2016

Jagtar Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. RS Sidhu, Advocate
for the petitioner.

Mr. L.S. Virk, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

The grievance of the petitioner in the present petition is that he applied for the post of Panchayat Secretary under the category of Ex-Servicemen Dependent and the respondent-Department without following the provisions of Section 4 of Punjab Recruitment of Ex-servicemen Rules, 1982 selected only 35 candidates from Ex-servicemen category out of total 909 selected candidates, whereas, 13% vacancies were to be filled up by direct appointment.

Learned counsel for respondent-State submits that the selection was made in the year 2001 and subsequently the total selection was cancelled on 10.12.2002. He further submits that the petitioner secured 55 marks whereas last candidate secured 61 marks.

Learned counsel for the petitioner submits that subsequently some of the candidates have been appointed on contractual basis and even they have been regularized in the year 2010.

The claim in the present petition is for issuance of a writ in the nature of mandamus directing the respondents to appoint the petitioner on the post of Panchayat Secretary in the category of Ex-servicemen Dependent as adequate representation was not given to that category and the petitioner was not considered for appointment.

Admittedly, whole of the selection process was cancelled and subsequently appointment was made on contract basis, which is not subject matter of challenge in the present petition. Moreover as per merit, the petitioner got less marks viz-a-viz last selected candidate.

Since the whole of the selection process has already been cancelled, no right has accrued to the petitioner for appointment to the post of Panchayat Secretary and as such the petition being devoid of any merit is hereby dismissed.

However, in case the petitioner is still aggrieved by any action of the respondents in appointing similarly situated candidates on contract basis, he is at liberty to move representation to the respondents, which shall be considered by the respondents as per law.

August 11, 2016
pooja

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes