

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

CWP No. 25073 of 2014
Date of decision:-08.08.2016

Simmi Panchal

.....Petitioner

Versus

Union of India and others

.....Respondents

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

Present: Mr. Pankaj Sharma, Advocate, for the petitioner.

Mr. Vipul Aggarwal, Advocate, for respondent No.1.

Mr. Kapil Kakkar, Advocate, for respondents No. 2 and 4.

Mr. Vikas Chatrah, Advocate, for respondent No.3.

P.B. BAJANTHRI, J. (ORAL)

The petitioner is one of the candidate for the post of Executive. In the year 2010-2011, he was selected, however, the respondent-bank had denied issuance of appointment order on the score that the petitioner failed to furnish latest OBC certificate. Based on the request of the bank for furnishing latest OBC certificate the petitioner had approached the Sub Divisional Magistrate (East), U.T., Chandigarh.

Vide letter dated 26.8.2011 (Annexure P-5) the Sub Divisional Magistrate (East) refused to issue OBC certificate to the petitioner with reference to the Government of India communication dated 25.07.2003. Having regard to the above facts and circumstances, it was beyond the control of the petitioner to obtain latest OBC certificate as required by the respondent-Bank.

Learned counsel for the U.T., Chandigarh Administration submitted that if the petitioner approaches Sub Divisional Magistrate (East)

U.T.,Chandigarh he would issue latest OBC certificate.

In view of above submission, the petitioner is directed to approach the Sub Divisional Magistrate (East), U.T.,Chandigarh for issuance of latest OBC certificate within a period of 15 days from today, while enclosing required documents. If such an application is submitted, the Sub Divisional Magistrate (East), U.T., Chandigarh shall consider the application for issuance of OBC certificate with reference to the status of the petitioner as on the date of advertisement and issue OBC certificate to the petitioner in accordance with law within a period 4 weeks from the date of receipt of application. Thereafter, the latest OBC certificate so issued to the petitioner, shall be furnished to the respondent-bank. The respondent-bank shall reconsider the petitioner's name for selection and appointment to the post of Executive with reference to the advertisement issued in the year 2010-2011 and issue necessary appointment order. This order will not come in the way of seeking arrears of salary and all service benefits.

The writ petition stands disposed of.

08.08.2016

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(P.B. BAJANTHRI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No