

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.15208 of 2014

Date of Decision:-05.05.2017.

Nitin Mangla

.....Petitioner

Versus

Haryana Staff Selection Commission and another

.....Respondents

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

Present: Mr. Ashok Kaushik, Advocate for the petitioner.

Mr. Sandeep Moudgil, Advocate for respondent No.2.

P.B. BAJANTHRI, J. (Oral)

The petitioner is a candidate for recruitment to the post of Office Associate pursuant to the advertisement dated 14.8.2010 (Annexure P-1). After completion of process of selection, the competent authority announced the result on 20.3.2013 in which the petitioner's name reflected at serial No.1 in the waiting list. The appointing authority operated the select list on 2.5.2013 by issuing order of appointment to the selected candidates. Admittedly, one of the general category candidate did not report within the time limit stipulated for joining the post. Non-joining of one of the candidate was made known to the selecting as well as appointing authority before lapse of one year from the date of final result announced on 20.3.2013. Therefore, it was bounden duty of the competent authority to operate the waiting list. In not operating the waiting list, the present

petition has been presented. Perusal of records it is evident that one of the general category candidate has not reported for duty pursuant to the order of appointment dated 2.5.2013. Since the petitioner's name reflects at serial No.1 in the waiting list and it is a factual aspect one of the candidate has not reported in the respective category. Therefore, the fact that unfilled vacancy is prior to within one year from the date of final result, the petitioner is entitled for selection and appointment to the post of Office Associate. The competent authority is hereby directed to consider the name of the petitioner for selection and appointment if he is otherwise eligible for the post of Office Associate. Necessary appointment order shall be issued on the notional basis. The above exercise shall be completed within a period of 3 months from today.

Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

May 05, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.