

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

CWP No.15171 of 2016 (O&M)

Date of Decision: April 26, 2017

Varinderpal

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. A.S. Manaise, Advocate
for the petitioner.

Ms. Lavanya Paul, AAG Punjab.

JAISHREE THAKUR, J. (Oral)

The petitioner herein is seeking a writ in the nature of *mandamus* directing respondents No.1 to grant approval for appointment of the petitioner to the post of Proof Reader-cum-Data Entry Operator on contract basis in the office of District Electoral Officer, as well as a writ in the nature of *certiorari* for quashing impugned order dated 04.07.2016 by which respondent No. 3 has been transferred to the post, where the petitioner had been selected and appointed.

2. Department of Elections, respondent No.1 directed the District Election officers in Punjab to fill vacant posts of Proof Reader-cum-Data Entry Operator on contract basis. The petitioner applied and appeared for interview on 14.10.2015. A letter of appointment was issued to the

petitioner by District Electoral Officer, Moga, respondent No. 2, which was made subject to the approval of respondent No. 1. Due information was sent to respondent No. 1 that the petitioner had been selected and appointed to the post of Proof Reader-cum-Data Entry Operator and requested for grant of approval to the appointment. As there was no response to the said communication, the petitioner made a representation to respondent No.1, requesting for grant of approval, so that he could join the job. The office of respondent No.2 also addressed a letter, seeking approval to appoint petitioner against vacant post, so that work in the office would not suffer. Since no response was given to the said request, the instant writ petition has been filed.

3. Mr. A. S Manaise, learned counsel appearing on behalf of the petitioner contends that the petitioner herein was successful in the interview that was conducted for appointment to the post of Proof Reader-cum-Data Entry Operator, however, has not been allowed to join for want of approval from the office of Chief Electoral Officer, Department of Elections. It is submitted that the petitioner has been denied an opportunity of getting employment. which action is not sustainable.

4. Per contra, Ms. Lavanya Paul, learned AAG Punjab, submits that respondent No. 2 had recommended the name of the petitioner for issuing appointment letter as Proof Reader-cum-Data Entry Operator. Along with the name of the petitioner, 25 other candidates were also recommended by the District Election Officers of 15 Districts to the Chief Electoral Officer Punjab, respondent No. 1 and the matter was examined at the level of the Chief Electoral Officer and approval was not granted to any

candidate. The post, that was lying vacant in Moga, was duly filled up by issuing transfer and posting order of Smt. Jaswinder Kaur, respondent No.3, from SAS Nagar to District Election Officer, Moga and thus, no post was lying vacant at the present moment.

5. I have heard learned counsel for the parties and have also with their assistance gone through the pleadings of the case.

6. The grievance of the petitioner is that after being successful in the interview held for filling up temporary post of Proof Reader-cum-Data Entry Operator, approval ought to have been granted by respondent No.1 to his appointment. A reading of the appointment letter itself shows that the appointment of the petitioner would be subject to the approval given by respondent No.1. As per the stand taken in the written statement, a decision was taken not to fill up the post in any of the 15 Districts and similarly the name of 25 other candidates, which had been recommended by the District Electoral Officers, also were not given approval to. The petitioner herein would not be able to show any illegality or discrimination meted out to him. Once a decision had been taken by respondent No. 1 for not according approval to the recommendations made, this court in its writ jurisdiction is not inclined to interfere in the matter. In any case, the contract was limited for a period of 2 years, which has since lapsed.

7. However, in case the respondents in the near future do advertise filling up the posts of Proof Reader-cum-Data Entry Operator, the petitioner would be at liberty to apply afresh and such application is to be considered on its own merit.

8. With the above said observation, the instant writ petition stands

dismissed accordingly.

April 26, 2017
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No