

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

CWP No.11938 of 2017 (O&M)

Date of Decision: May 26, 2017

Vinod Kumar

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. H.S. Saini, Advocate  
for the petitioner.

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**JAISHREE THAKUR, J. (Oral)**

The petitioner herein had participated in a selection process that was initiated for recruitment for the post of Intelligence Assistants (Constable). Being successful, appointment letter dated 31.12.2016 was issued to him, which is annexed as Annexure P-3 with the writ petition. The only grievance of the petitioner is that despite being successful in the selection process and having appointment letter in his hand, he has not been allowed to join the services.

Notice of motion.

On the asking of the court, Mr. R.S. Sidhu, Addl. AG Punjab, accepts notice on behalf of the respondents. Let sufficient number of copies be served upon him during the course of the day. He seeks time to file reply

and also contends that appointment initially could not have been offered to the petitioner because Model Code of Conduct came into effect and secondly, that a bunch of writ petitions is pending in this court, pertaining to the same selection, where the eligibility criteria as fixed in the advertisement and rejection of the candidatures and qualifications, is pending consideration in this court in Civil Writ Petition No.12 of 2017.

I have heard both the counsel for the parties and this court prima facie of the view that since the appointment letter has not been withdrawn as on date, the petitioner should be entitled to join services, on the other hand, court cannot also lose sight of the fact that the selection process is also under challenge.

In view of the above, in case the petitioner is willing to give an undertaking to the Department concerned that his appointment/joining would be subject to the final disposal of the Civil Writ Petition No.12 of 2017, the petitioner may be permitted to join.

On this, Mr. R.S. Sidhu, learned Addl. AG Punjab submits that the Department would issue necessary joining order, if the requisite affidavit in the shape of an undertaking, in the aforesaid terms, is submitted to that effect.

In view of the above, it is directed that the petitioner will appear before respondent No.3 on 31.05.2017 along with affidavit in the shape of an undertaking, in the aforesaid terms. However, it is made clear that on being allowed to join services (subject to his furnishing affidavit in the shape of an undertaking) the petitioner herein would not be entitled to challenge his removal by claiming that he had worked and discharged duties

under the orders passed by this court, in case, he does not fall in the merit list, after the decision has been rendered in Civil Writ Petition No.12 of 2017.

These writ petition stands disposed of in the aforesaid terms.

**May 26, 2017**  
*vijay saini*

**(JAISHREE THAKUR)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No