

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.25720 of 2014

Date of Decision: 1.02.2017

Rakesh Pingua

... Petitioner

Versus

The National Insurance Company Limited & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioner.

Ms. Kuldeep Kaur, Advocate, for
Mr. SS Sidhu, Advocate,
for respondents No.1 & 5.

Mr. Ashwani Talwar, Advocate,
for respondents No.2 & 4.

Mr. Satpal Dhamija, Advocate,
for respondent No.3.

RAJIV NARAIN RAINA, J.(Oral)

Counsel for the petitioner is not present when the case is called.

No pass over is sought.

Notice of motion was issued on 16.12.2014 to respondents No.4

& 5 to the extent indicated in the interim order, which reads as follows:-

“The petitioner applied for the post of Administrative Officer in Scale-I cadre in response to the advertisement dated 14.07.2013 (Annexure P-1). He appeared for the written examination on 08.09.2013 and was declared successful. He was called for interview on 25.03.2014. Vide Annexure P-4, the petitioner was intimated that he has been selected as an Administrative Officer in the New India Assurance Co. Ltd. He was called upon to participate in the residential training programme at Bombay. In response to the aforesaid communication the petitioner went to

Bombay to participate in the aforesaid training programme. When he reached at Bombay, the respondent-institute refused to let him appear in the said training course on the ground he did not fulfill one of the eligibility conditions. The said eligibility condition, according to the petitioner, is condition No. 5 of the advertisement (Annexure P-1), as per which, a candidate must possess the minimum qualification of a Degree in any discipline from a recognized University or any equivalent qualification recognized as such by Central Government as on 10.08.2013. Admittedly, the result of the petitioner for final MBA, 4th Semester was declared on 30.08.2013 and he could not be considered to be eligible.

Confronted with this, learned counsel for the petitioner states that the respondents be directed to reimburse the amount spent by him for travelling to Bombay along with token compensation because he was informed that he did not fulfill the qualification only when he reached Bombay on the call of the respondents. Learned counsel limits his prayer to reimbursement of the travelling expenses and token compensation, as he claims he is poor person with limited means.

Notice of motion to the above extent only be issued to respondents No. 4 and 5 for 10.02.2015.

The first part of the order concludes the case against the petitioner and requires no further elaboration.

Mr. Ashwani Talwar submits that as per the advertisement published in the media on which the selection process was based, the requisite essential educational qualification had to be earned by the cut off date i.e. 10.8.2013. The prayer for considering appointment is declined.

Heard Mr. Talwar, appearing for respondents No.2 & 4 on the

second issue.

The terms of the advertisement clearly prescribed that expenses for travel to and fro Mumbai for the interview would be at the expense of the candidates. The petitioner knew beforehand that he did not possess the essential qualification by the last date of receipt of applications forms from the eligible candidates. If the petitioner was not eligible for consideration for the post to start with he should not have ventured and risked travelling to Mumbai to face an interview only to be turned back by the scrutiny committee for good reason. The second issue of reimbursing travel expenses also fails to persuade Court.

As a result, the petition is dismissed.

1.02.2017
monika

(RAJIV NARAIN RAINA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>