

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 25764 of 2015 (O&M)

Date of Decision: July 31, 2017

Amar Chand

... Petitioner

Versus

Union of India and another

... Respondents

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

Present: Mr. Ashwani Bhardwaj, Advocate,
for the petitioner.

Mr. Vijay K. Chaudhary, Advocate,
for Mr. Satya Pal Jain, Addl. Solicitor General of India,
for respondent No.1.

Mr. R.V. Sinha and
Mr. Amit Sinha, Advocates,
for respondent No.2.

P.B. Bajanthri, J. (Oral)

1. In the instant writ petition, petitioner has questioned the orders dated 20.02.2015 and 23.03.2015 (Annexures P/7 and P/9 respectively) by which petitioner's candidature to the post of Lab Technician has been rejected.

2. Petitioner is stated to have been appointed as Lab Technician on contract basis as on 27.07.2012 at the rate of Rs.12,000/- per month. For regular recruitment to the post of Lab Technician, following essential qualifications and experience has been stipulated:-

“Essential Qualifications & Experience:

*Three years diploma with 60% or more marks in Electrical
Engineer / Electronic Engineering / Mechanical
Engineering / Electrical & Electronics Engineering /*

*Workshop Technology / Food process Engineering / Food Engineering / Food Technology / Food Science & Technology with three years relevant experience in **Pay Band -1** Rs.5200-20,200 + Grade Pay of Rs. 2400 in Government Organizations / Institutes / Universities / Labs or equivalent salary in Industry / private sector with relevant working experience in Food Science / Bio related Lab / Lab of any discipline of Science / Instrumentation.*

OR

*B.Sc. in Chemistry (Honours) / B.Sc. general with Chemistry / B.Sc. in Microbiology / B.Sc. in Physics (Honors) / B.Sc. general with Physics as one of the subjects / B.Sc. Biochemistry with 60% or above marks and two years relevant experience in **Pay Band -1** Rs.5200-20,200 + Grade Pay of Rs. 2400 in Government Organizations / Institutes / Universities / Labs or equivalent salary in Industry / private sector experience of working in Food Science / Bio related Lab / Lab of any discipline of Science / Instrumentation and knowledge about laboratory operations.*

General condition: *Experience working in an academic lab of a renowned University or a Research Institute or a Testing Lab, preferably an NABL Accredited Lab, will be preferred.”*

Respondent No.2 invited applications to fill up six posts of Lab Technician with aforementioned essential qualifications and experience.

3. Undisputedly, petitioner was not regular holder of the post which carries Pay Band -1 Rs.5200-20,200 + Grade Pay of Rs.2400. On the other hand, he was appointed on contract basis @ Rs.12000/- per month and it is not in the pay band. Thus, petitioner is ineligible to apply for the post of Lab Technician as he has no three years relevant experience of Pay Band -1 Rs.5200-20,200 + Grade Pay of Rs.2400. Petitioner's application for the

post of Lab Technician was entertained by the respondents and further, offer of appointment was also made to him. Thereafter, they noticed that petitioner do not fulfill one of the requisite qualification in respect of Pay Band -1 Rs.5200-20,200 + Grade Pay of Rs.2400 etc. Consequently, respondents have declined to consider the petitioner's name for selection and appointment. No doubt, petitioner do not fulfill the requisite experience in Pay Band -1 Rs.5200-20,200 + Grade Pay of Rs.2400. At the same time, respondents should have rejected the petitioner's application for the post of Lab Technician at threshold. On the contrary, respondents have entertained the petitioner's application for the post of Lab Technician and proceeded to issue offer of appointment and thereafter declined thereby compelling the petitioner to approach this Court in filing instant writ petition. Having regard to the conduct of the 2nd respondent, petitioner is entitled for litigation expenses of Rs. 35,000/-. Ordered accordingly. The same shall be paid by the 2nd respondent to the petitioner within a period of three months from today. Since, petitioner has not made out a case so as to interfere with the impugned orders. Hence, petition is liable to be dismissed.

4. Instant writ petition stands dismissed.

July 31, 2017
vkd

[P.B. Bajanthri]
Judge

Whether speaking / reasoned : Yes

Whether reportable : No