

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No. 2747 of 2014 (O&M)
Date of Decision: 20.04.2017**

Jonny Garg and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mz. Neha Jain, Advocate
for the petitioners.

Mr. Harkesh Manuja, Additional Advocate General, Punjab
for respondent Nos. 1 & 2/State.

JASWANT SINGH, J. (ORAL)

Three petitioners, namely, Jonny Garg, Parshotam Kumar and Gurpreet Singh, *inter alia*, applied for the post of *Service Providing Trainers* in the Fabrication Sector against twenty-three (23) posts advertised for the Fabrication Sector in General Category as per advertisement dated 09.06.2013 (**Annexure P-1**) published by the Department of Technical Education and Industrial Training, Punjab.

The result of the selected candidates for the Fabrication Sector was declared on 06.08.2013 and as per merit list (**Annexure P-2**), Jonny Garg (petitioner No. 1) secured 74.34 marks, Parshotam Kumar (petitioner No. 2) secured 74.32 marks and Gurpreet Singh (petitioner No. 3) secured 73.55 marks and were placed at Sr. Nos. 43, 44 and 54, respectively, in the merit list.

It is averred that the respondent-Department appointed twenty-one (21) candidates uptill merit list forty-two (42) and kept two

posts in abeyance, due to the pending litigation raised by Varun Singh (who was placed at merit position No. 37 in General Category) by filing *CWP No. 13743 of 2013*, as also Amrinder Singh Walia (who was placed at merit position No. 72 in General Category) by filing *CWP No. 22257 of 2013*.

Upon notice, the merit position of the present three petitioners is not disputed, and so is the factum of the two posts kept in abeyance for awaiting the decisions of this Court in the aforesaid *CWP Nos. 13743 and 22257 of 2013*.

At the time of hearing, learned counsel for the petitioners points out that *CWP No. 13743 of 2013*, filed by Varun Singh, has since been dismissed by learned Single Judge vide judgment dated 25.07.2016, as also LPA No. 1797 of 2016 dismissed on 14.09.2016, affirming the said order dated 25.07.2016. It is next submitted that even the writ petition filed by the said Amrinder Singh Walia stands admitted vide order dated 07.10.2013, wherein no order has been passed for reserving the post for his adjustment. It is, thus, contended that the decision of the Government in declaring the said Varun Singh, i.e. placed at Merit No. 37, stands decided in favour the Government and the post, reserved for him, has to be offered to the candidate next in merit i.e. Jonny Garg (petitioner No. 1), whereas in case of Amrinder Singh Walia, neither there is an order directing the reservation for the post of his adjustment, nor in the light of his merit position No. 72 in the General Category, the decision to reserve a post beheld justified, hence the second post has to be offered to the next candidate in merit i.e. petitioner No. 2-Parshotam Kumar.

Learned State Counsel is unable to dispute the aforesaid factual position, however, submits that in the light of facts of the case, petitioner No. 3 (Gurpreet Singh) cannot be granted any relief.

After considering the aforesaid factual contentions, it has to be accepted that petitioner Nos. 1 & 2 (Jonny Garg and Parshotam Kumar, respectively), being placed in the selection list within the number of advertised posts in the general category, are entitled to be offered appointment for the post of *Service Providing Trainers*, being next in order of merit against the unconsumed vacancies.

Ordered accordingly.

Offer of appointment to petitioner Nos. 1 & 2 (Jonny Garg and Parshotam Kumar, respectively) be issued within a period of four weeks from today.

Allowed in the above terms.

April 20, 2017

'dk kamra'

**(JASWANT SINGH)
JUDGE**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No